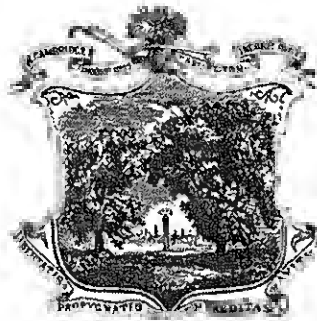


**TOWN OF ARLINGTON  
MASSACHUSETTS**

**REPORT OF THE  
BOARD OF SELECTMEN**



**TO THE  
ANNUAL TOWN MEETING  
MONDAY, APRIL 23, 2012**

**8:00 P.M.**

## INTRODUCTION

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard. The Board has voted no action on several of the 10 registered voter articles since in some instances the requested action can be accomplished without a Town Meeting vote. The Board appreciates the proponents having brought these matters forward.

The Board would like to recognize and welcome Joseph A. Curro, Jr. and Steven M. Byrne to their first Town Meeting as Arlington's newly elected Selectmen.

The Board knows that the Town Meeting will give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes the Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

## ARTICLE 12

### VOTE-BYLAW AMENDMENT/HUMAN RESOURCES DEPARTMENT

**VOTED:** That the Title I, Article 6 ("Classification and Compensation Plans and Personnel By-Law") of the Town Bylaws be and hereby is amended by (a) in the title of the article, replacing "Personnel" with "Human Resource"; (b) in Section 1, replacing "Personnel" with "Human Resource" and inserting after the word "Director" the parenthetical phrase, "(for purposes of this article, 'Director')"; (c) throughout the article, deleting the word "Personnel" each time it appears before the word "Director"; (d) throughout the article, deleting the word "Personnel" each time it appears before the word "Board" and replacing it with the words "Human Resource"; (e) throughout the article, deleting the word "Personnel" each time it appears before the word "Department" and replacing it with the words "Human Resource"; (f) in the second sentence of Section 3, replacing the word "statue" with the word "statute"; (g) in the first sentence of Section 4, deleting the words "subject to the approval of the Board of Selectmen"; (h) in Section 5, deleting the words "of the Town"; (i) in the first sentence of Section 13(G), replacing "Town Accountant" with "Comptroller"; and (j) deleting the text of Section 17 in its entirety and replacing it with the word "DELETED."

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** The Board of Selectmen supports the technical amendments requested by the Town Government Reorganization Committee to harmonize the Personnel Bylaw

with the 2011 amendments to the Town Manager Act that converted the Personnel Department to the Human Resource Department. Other changes would update the bylaw and make a minor correction.<sup>1</sup>

#### **ARTICLE 13**

#### **BYLAW AMENDMENT/BUDGET SUBMISSIONS**

**VOTED:** That the Town Bylaws be and hereby are amended by (a) deleting the text of Article 11 ("Program Budget") of Title I; and (b) replacing it with the word "DELETED."

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** The Board of Selectmen recommends deletion of this obsolete bylaw provision.

#### **ARTICLE 14**

#### **BYLAW AMENDMENT/MUNICIPAL CHARGE LIENS-SCHOOL FEES**

**VOTED:** That Title I, Article 21 ("Municipal Charges Liens"), of the Town Bylaws be and hereby is amended by adding the following paragraphs: (g) school athletic fees; (h) kindergarten fees; (i) school bus fees; (j) school music fees; (k) preschool fees.

(2-1)

Ms. Mahon voted in the negative.

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** A majority of the Board recommends amending the Town Bylaws to provide the School Department with an additional tool to ensure the collection of unpaid school fees. If unpaid, these charges could be converted to a lien on property owned by students' parents or guardians in accordance with existing procedures used for other types of municipal charges, such as unpaid parking violations, motor vehicle excise taxes, rental charges, public-safety details, and other fees.

#### **ARTICLE 15**

#### **BYLAW AMENDMENT/SUBMISSION OF MEETING MINUTES**

**VOTED:** That no action be taken under Article 15.

(5-0)

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<sup>1</sup> Please see Appendix B to this report for Town Bylaws as they would be amended under votes proposed by the Board of Selectmen.

**COMMENT:** The article proposes amending the Bylaws to delete the requirement that copies of approved meeting minutes be placed on file in the Robbins Library. Although the Board agrees that filing meeting minutes in the Library is somewhat antiquated in light of the robust use of the Town website, it is hesitant to dispense with the requirement until full document management and archiving capabilities are in place. Therefore, at the current time, the Board does not recommend the proposed amendment, but anticipates that the issue will be revisited in the near future.

## **ARTICLE 16**

### **BYLAW AMENDMENT/TIME OF TOWN MEETING SESSIONS**

**VOTED:** That the last sentence of Title I, Article 1, Section 1, of the Town Bylaws ("Date of Annual Meeting and Adjournment") be and hereby is amended by replacing "eight o'clock" with "seven o'clock."

(5-0)

**COMMENT:** The Board inserted this article into the warrant to give members of Town Meeting the option of amending the Bylaws to allow Town Meeting sessions to begin at 7:00 p.m. instead of at 8:00 p.m. Under this change, sessions could end at 10:00 p.m., giving members the chance to get home at a more reasonable hour. Although the Town Meeting Procedures Committee does not support the proposed change, the Board feels that it should be put to Town Meeting members to decide.

## **ARTICLE 17**

### **BYLAW AMENDMENT/NEWSPAPER BINS**

**VOTED:** That Title III, Article 1, Section 31 of the Town Bylaws be and hereby is amended by adding the following paragraph 8 to subsection C ("Certificate of Compliance/Application Process"): "8. Certificates of Compliance must be renewed annually in accordance with renewal procedures adopted by the Director."

(5-0)

**COMMENT:** In 1999, following a comprehensive study process, Town Meeting adopted Section 31 of Article 1 of Title III, "Newspaper bins." This bylaw section was intended to address situations in which boxes of free or for-sale publications are installed on public ways but not maintained. The result can be a plethora of unused boxes that create clutter and invite graffiti and vandalism. Unregulated boxes may also block or impede access to sidewalks, curb cuts, handicap ramps, bus stops, and fire hydrants and interfere with snow removal. Section 31 requires anyone wishing to place a newsrack in or along a public way to get a Certificate of Compliance from the Director of the Department of Public Works. This requirement ensures that the newsrack does not obstruct pedestrian traffic, handicap access, or access to fire hydrants and that proper

insurance is in place. If a newsrack is in violation of the bylaw's standards or is abandoned, it can be removed. In its current form, Section 31 lacks a requirement that Certificates of Compliance be renewed annually. Such a requirement would assist the Director in regulating newsracks by providing a natural occasion to ascertain that newsracks are continuing to be actively used. A newsrack operator's failure to renew a Certificate of Compliance will signal to the Director that the newsrack is no longer in active use and may be removed. The Board supports the addition of an annual renewal requirement to assist the Director in carrying out the purposes of Section 31.

## **ARTICLE 18**

## **BYLAW AMENDMENT/HISTORIC DISTRICTS**

**VOTED:** That Title VII, Article 4, Section 5 ("Remedies for Violations") of the Town Bylaws be and hereby is amended by (a) in the first sentence, replacing "the relevant Commission" with "a Commissioner" and "it" with "he or she"; (b) in the second sentence, deleting "one of the Commissioners shall find any" and inserting after "such violation" the words "is found to exist, the Chairman of the Commissions"; (c) in the second and third sentences, deleting "he or she shall inform the full Commission and may inform the Director of Police Services of same. If so informed, the Director of Police Services, after consultation with"; (d) combining the second and third sentences; (e) in the new second sentence, replacing "shall" with "may," adding "(s)" to "individual," replacing "is" with "are," replacing "approved plan, information, or drawing pertinent thereto, or a certificate" with "approvals or certificates," and inserting a period after "By-law"; (f) replacing "and such" from the next sentence with "Such" and inserting the word "immediate" before suspension; and (g) in the next sentence inserting the word, "relevant" before "Commission."

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** The Board supports these technical amendments to make the Historic District Commissions' bylaw easier to enforce. In its current form, the bylaw requires that the Chief of Police Services be involved in enforcing the bylaw in the first instance. This is not a good use of law enforcement resources and is not necessary. The Commissioners are capable of notifying homeowners of any violations and otherwise enforcing the law. The proposed changes make that process more streamlined.

## **ARTICLE 19**

## **PERSONNEL BYLAW AMENDMENT/ VACATION CARRYOVER**

**VOTED:** That the Title I, Article 6 ("Classification and Compensation Plans and Personnel By-Law") of the Town Bylaws be and hereby is amended by (a) in Section C ("Effective Date"), inserting "Town" before "employees" and adding a second sentence that reads: "For School Department employees, vacation leave will

be granted to eligible employees, according to their accrual rates, either on July 1 or September 1 of each year.”; (b) in Section E (“Limits on Accumulation”), deleting everything after the first sentence and replacing it with the following:

(1) Requests for such carryover by Town employees must be submitted to the appropriate appointing authority before the end of the calendar year in which the vacation leave was granted, provided that all carryover vacation shall be used by the following April 30th.

Notwithstanding the previous sentence, all Town employees who have been granted carryover vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount on December 31, 2010, and one third of that amount on December 31, 2011. All vacation days carried over under the previous sentence shall be utilized by December 31, 2012, and the previous allowance shall cease to have effect on that date.

(2) In the School Department, requests for carryover must be submitted to the Superintendent before the end of the employee’s vacation year. All carryover vacation shall be used by the end of four months following the conclusion of the employee’s work year. Notwithstanding the previous sentence, all School Department employees who have been granted vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount at the commencement of their work year in 2011 and one third of that amount at the commencement of their work year in 2012. All vacation days carried over under the previous sentence shall be utilized by the commencement of the 2013 work year.

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** The 2010 Town Meeting voted to amend the Personnel Bylaw to limit vacation carryover such that, after an initial phase-in period, all carried-over vacation must be used by April 30<sup>th</sup> of the following year. The School Superintendent requested the insertion of this article to amend the bylaw to better fit the School Department calendar. The work year of School Department employees is not necessarily January 1-December 31 as it is for Town employees. This distinction creates difficulty in implementing the vacation carry-over restriction as it is currently written. The Board of Selectmen supports revising the bylaw to allow its application to school-side work calendars.

**ARTICLE 20**

**BYLAW AMENDMENT/TIME LIMITS  
FOR TOWN MEETING SPEAKERS**

**VOTED:** That the first sentence of Title I, Article 1, Section 7(C) of the Town Bylaws ("Time Limits") be and hereby is amended by replacing "ten minutes" with "seven minutes."

(5-0)

**COMMENT:** The Board of Selectmen agrees with the proponent of this article that limiting the time of a speaker at Town Meeting from ten minutes to seven minutes will assist making Town Meeting sessions more efficient. Speakers recognized for a second time would continue to have five minutes. The existing rule allowing any speaker to request and be granted more time by a majority vote of Town Meeting members would not be changed by this proposed vote.

*Articles 21 and 22 are discussed together.*

**ARTICLE 21**

**BYLAW AMENDMENT/ELECTRONIC  
TOWN MEETING VOTING**

**VOTED:** That no action be taken under Article 21.

(5-0)

**ARTICLE 22**

**ESTABLISH COMMITTEE TO STUDY ELECTRONIC  
VOTING FOR TOWN MEETING**

**VOTED:** *The Board of Selectmen recommends favorable action under this article and will report specific language of a recommended vote to Town Meeting.*

(5-0)

**COMMENT:** The Board of Selectmen agrees with the proponent of these articles and the Town Meeting Procedures Committee that use by Town Meeting of electronic voting may increase transparency and stimulate participation in the voting process and that the matter warrants serious study. Some other towns, including Chelmsford, Framingham, and Brookline, are in the process of adopting electronic voting for their town meetings. Arlington can benefit from the information and experience of these towns with respect to the benefits, costs, and potential pitfalls of electronic voting. The Board recognizes that this is not just a question of technology. Electronic voting could result in changes in the way Town Meeting operates. These changes deserve careful study. Although the Board is not ready to endorse a bylaw change to allow electronic voting at this time, the Board looks forward to the findings and recommendations of the Town Meeting Electronic Voting Study Committee in 2013.

## **ARTICLE 23**

## **BYLAW AMENDMENT/SECOND WATER METERS**

**VOTED:** That no action be taken under Article 23.

(3-2)

**Mr. Greeley and Ms. Mahon voted in the negative.**

**COMMENT:** This is article to amend the Bylaws to allow the installation of second ("irrigation") water meters to measure water used to water lawns and gardens, fill swimming pools, and wash cars. These meters are desirable so that sewer rates are not charged for water that does not go into the sewer system. The Director of Public Works has previously recommended against second meters as they would create an administrative burden and would undermine water conservation efforts and challenge capacity limits by increasing peak usage in the summer months. Although many surrounding communities allow second (or "irrigation") meters, MWRA communities that allow them all charge more for irrigation water than for domestic water to ensure adequate funding for water and sewer service delivery and to maintain equity between higher-income users (with swimming pools and larger properties) and lower-income users. Of the communities identified by the proponent of the Warrant, all but two charge a higher rate for water in the second meter. Winchester goes as far as continuing to charge sewer rates for the water used in an irrigation meter. In addition all communities require the property owner to incur the cost of installing the second meter and some bill a base fee for the separate meter as well.

Though a majority of the Board agreed with the Director's recommendation against allowing second water meters, the Board is in favor of exploring restructuring water and sewer rates to more accurately reflect actual costs of usage. To this end, the Board instructed the Town Manager to work with the Director to study alternative billing structures that would avoid the imposition of sewer charges for water that does not go into the sewer. One approach might be to calculate sewer rates based on winter usage (that would not be expected to include much irrigation). While the Board recommends no action under this article, it is committed to a fair system of water and sewer billing.

## **ARTICLE 24**

## **BYLAW AMENDMENT/EVENING PARK USE**

**VOTED:** That no action be taken under Article 24.

(5-0)

**COMMENT:** Although some members of the Board feel that limited evening off-leash dog hours at some Arlington parks may be beneficial in the future, the Board as a whole

is not ready to support the proposed bylaw change at this time. Evening off-leash activity would be complicated to implement due to high field demand for youth sports and other organized activities. The Town is still getting used to the 2010-2011 implementation of morning off-leash dog hours. Moreover, a fenced off-leash dog park under construction at Thorndike Field is expected to open this spring and will provide space for off-leash dog activity in the evening hours. The Board would like to see the effect of this park on demand for off-leash hours before moving forward to implement evening off-leash hours in parks of general use.

**ARTICLE 25                      BYLAW AMENDMENT/LEAF BLOWER REGULATIONS**

**VOTED:**        **That no action be taken under Article 25.**

**(5-0)**

**COMMENT:**        Because no proponents of this article appeared at the Board's hearing on it, the Board is recommending no action. The 2008 Town Meeting voted no action under an identical article (also Article 25) by a margin of 97-72.

**ARTICLE 26                      ESTABLISH COMMITTEE/BUILDING MAINTENANCE**

**VOTED:**        **That no action be taken under Article 26.**

**(5-0)**

**COMMENT:** This article proposes creation of a standing committee to evaluate maintenance needs of Town buildings, sites, and facilities; recommend maintenance policies to the Town Manager; and devise funding strategies to support ongoing maintenance demands. The work of this committee is anticipated to address a long-standing planning need identified by the Capital Planning Committee. Appropriate planned maintenance spending can avert or delay emergency and capital spending, which saves money and enhances budget predictability. Rather than wait for Town Meeting action, the Board voted to create this committee immediately, staffing it as recommended by the article's proponent, the Town Manager. The committee will include representatives of the Town Manager, the Department of Public Works, the School Department, the Finance Committee, and the public. Because the Board has already voted to implement the action requested under this article, Town Meeting does not need to consider it.

## **ARTICLE 27**

### **TRANSFER OF REAL PROPERTY/ GIBBS JUNIOR HIGH SCHOOL**

**VOTED:** That the current temporary placement of the care, custody, management and control of the William Gibbs Junior High School and its appurtenant land with the Town Manager be and hereby is extended by three years until June 30, 2017.

**(3-0)**

**Mr. Greeley and Ms. LaCourt were absent.**

**COMMENT:** The former Gibbs junior high school has been declared “temporary surplus” by the School Committee through June 30, 2014. The building is currently being leased to Schools for Children and other tenants through that date. The School Committee expressed its intention to extend the current status of the building through June 30, 2017. The Board of Selectmen supports extending the current leasing arrangements.

## **ARTICLE 28**

### **VOTE/STREET NAME STANDARDIZATION**

**VOTED:** That (1) the spelling of the name of Albemarle Street, as previously accepted and established as a town way by the 1916 Town Meeting, be and hereby is standardized as “Albemarle Street” for all purposes; (2) the spelling of the name of Mt. Vernon Street, as previously accepted and established as a town way by the 1873 Town Meeting and the 1929 Town Meeting be and hereby is standardized as “Mt. Vernon Street” for all purposes; and (3) the spelling of the name of Waverly Street, as previously accepted and established as a town way by the 1950 Town Meeting and the 1957 Town Meeting be and hereby is standardized as “Waverly Street” for all purposes.

**(5-0)**

**COMMENT:** Upon the Town’s implementation of its Geographic Information System (GIS), it became evident that different Town departments -- Police, Public Works, Assessors, Clerk -- maintain separate street lists that do not always use the same spellings. These deviations undermine efforts to create a unified street list. Establishing a single spelling of street names is vital to the implementation of a town-wide Geographic Information System and other centralized databases that use street names. The three public ways that are the subject of this article were accepted by past Town Meetings. Therefore, changing or clarifying proper spelling of their names requires a vote of Town Meeting. The Board recommends favorable action to unify street lists across all departments and lessen confusion in important activities like permitting, billing, work orders, and emergency response. Attached as Appendix A to this report is the historical research showing multiple spellings of these street names over the years.

*Articles 29-30 are discussed together.*

**ARTICLE 29            VOTE/LOWER INTEREST RATE FOR PROPERTY TAX  
DEFERRALS FOR ELDERLY RESIDENTS**

**VOTED:**        That, pursuant to Clause 41A of Section 5 of Chapter 59 of the General Laws, the Town hereby sets the rate of interest applicable to deferred property taxes upon the sale or transfer of the subject property at the Federal Discount Rate as calculated immediately before the beginning of fiscal year in which the interest begins to accrue plus 1%, with such rate to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2012.

(3-0)

Mr. Greeley and Ms. Mahon were absent.

**ARTICLE 30        VOTE/INCREASE ANNUAL INCOME LIMIT FOR ELDERLY  
RESIDENTS TO QUALIFY FOR PROPERTY TAX DEFERRALS**

**VOTED:**        That the Town hereby increases the maximum gross receipts to qualify for property-tax deferral under Clause 41A of Section 5 of Chapter 59 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2012.

(3-0)

Mr. Greeley and Ms. Mahon were absent.

**COMMENT:** Currently, homeowners in Arlington who are at least 65 years old, who live in their homes, and who do not exceed specified income levels may defer all or part of their property taxes by agreement with the Town. Under a property-tax-deferral agreement, the homeowner pays no property taxes or pays only a portion, as specified in the agreement. The Town establishes a lien against the property for the amount of tax owed but takes no steps toward foreclosing that lien while the homeowner remains in the home. Back taxes and interest are paid when the property is sold or transferred.

The Town sets the interest rate applicable to deferred property tax paid upon the sale or transfer of the property. In 2006, Town Meeting set this rate at a minimum 6%. Approval of the Board’s recommended vote under Article 29 would lower this rate to 1% plus the Federal Discount Rate. Recently, the Federal Discount Rate has been steady at .75%, so the applicable rate of interest under this recommended vote would start out at 1.75%.

The Town also sets income limits to determine eligibility for the tax-deferral program. Currently, the annual income limit is \$40,000. Approval of the Board's recommended vote under Article 30 would increase this limit to the highest level allowable under state law. This is the limit set by the Commissioner of Revenue for single, non-head-of-household seniors for purposes of the state income-tax "circuit breaker" program. For 2011, that number was \$52,000.

The Board supports decreasing the interest rate to encourage more eligible seniors to take advantage of the tax-deferral program and supports increasing the income limits to make more seniors eligible. The Board is concerned that increased property taxes attributable to the 2011 override vote may be a hardship for some of the Town's elderly residents. These two recommended changes in the property-tax-deferral program may alleviate some of this hardship. For that reason, the Board supports favorable action under Articles 29 and 30.

#### **ARTICLE 31**

#### **HOME RULE LEGISLATION/INCREASE TAX EXEMPTIONS FOR ELDERLY RESIDENTS**

**VOTED:** That no action be taken under Article 31.

(5-0)

**COMMENT:** The Board inserted this article into the warrant to consider filing home-rule legislation to further expand property-tax exemptions for Arlington seniors. The Board has since learned that, at \$1,300, Arlington's exemption is already higher than all surrounding communities. Therefore, the Board does not expect that home-rule legislation to further expand the exemption would be successful and recommends no action under this article.

#### **ARTICLE 32**

#### **REPORT/IMPLEMENTATION OF CONSOLIDATED TOWN-SCHOOL FINANCE DEPARTMENT**

**VOTED:** That the January, 2012, report of the Department of Revenue, Division of Local Services/Technical Assistance Section entitled "Town of Arlington, Town and School Finance Analysis" be and hereby is received.

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** Under Article 51, the 2011 Town Meeting voted as follows:

That the Town Meeting hereby requests the Town Manager to research a consolidated Town-School Finance Department, including gathering input from the Board of Selectmen, School Committee, Superintendent, the Finance

To fulfill this request, the Town Manager, the Board of Selectmen, and the School Committee asked the Department of Revenue, Division of Local Services/Technical Assistance Section and the Department of Elementary and Secondary Education, School Business Services Unit, to conduct an analysis of Town and School Department financial operations and to make recommendations. That report was provided to the Board on January 26, 2012, and will be presented to Town Meeting under this article.

**VOTED:** That no action be taken under Article 33.

**Mr. Greeley and Ms. LaCourt were absent.**

## ARTICLE 34 HOME RULE LEGISLATION/WIRELESS ANTENNA LEASE PROCEEDS

**AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO  
ESTABLISH A SEPARATE ACCOUNT FOR PROCEEDS FROM  
WIRELESS COMMUNICATIONS ANTENNA LEASES.**

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of Arlington by the Massachusetts Water Resources Authority by operation of section 112 of chapter 11 of the acts of 1997; and (3) any other proceeds paid to the town of Arlington by reason of leases of real property within the town for the erection of wireless communications antennas and related structures.

**SECTION 2.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, Wireless Antenna Lease Proceeds shall be allocated to the care, maintenance, upkeep, enhancement or improvement of park, playgrounds, or other open space in the town of Arlington. The treasurer of the town of Arlington may keep Wireless Antenna Lease Proceeds in a separate account and may invest and reinvest such proceeds and place any interest in said separate account. Any annual or special town meeting of the town of Arlington may appropriate funds from Wireless Antenna Lease Proceeds only for such use as set forth herein unless said town meeting votes another use by a two-thirds margin. The town treasurer shall make an annual accounting of funds from Wireless Antenna Lease Proceeds at each annual town meeting. Any Wireless Antenna Lease Proceeds in excess of \$250,000 in any given fiscal year shall be deposited into the available funds of the town and may be used for any purpose voted by the town.

**SECTION 3.** This act shall take effect upon its passage.

(5-0)

**COMMENT:** By a vote of 136-6 under Article 33, the 2011 Town Meeting approved the filing of a slightly different version of this special legislation to extend authorization to set aside up to \$250,000 in proceeds from wireless antenna leases for park maintenance and improvement. Unfortunately, the draft home-rule legislation filed in 2011 contained some provisions that were problematic for the legal staff at the Legislature and was therefore not advanced for consideration. This version of the special legislation would accomplish the same goal and has already been reviewed and approved by the Legislature's legal staff. The Board supports its passage to allow the Town to continue setting wireless antenna rental proceeds aside to care for its parks and open spaces.

## **ARTICLE 36**

## **ENDORSEMENT OF CDBG APPLICATION**

**VOTED:** That the Town hereby endorses the application for Federal Fiscal Year 2013 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** This is the usual vote to endorse the annual application for Community Development Block Grant funds.

**ARTICLE 37**

**REVOLVING FUNDS**

**VOTED:** That the Town does hereby reauthorize the following Revolving Funds in accordance with G.L. c. 44, § 53E ½:

**Private Way Repair established under Article 46 of the 1992 Annual Town Meeting Expenditures not to exceed \$200,000**

<b>Beginning Balance</b>	<b>\$13,304.91</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/11</b>	<b>\$13,304.91</b>

**Public Way Repair established under Article 45 of the 1992 Annual Town Meeting Expenditures not to exceed \$5,000**

<b>Beginning Balance</b>	<b>\$ 168.40</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/11</b>	<b>\$ 168.40</b>

**Fox Library established under Article 49 of the 1996 Annual Town Meeting Expenditures not to exceed \$20,000**

<b>Beginning Balance</b>	<b>\$13,463.35</b>
<b>Receipts</b>	<b>4,899.00</b>
<b>Expenditures</b>	<b>1,839.00</b>
<b>Balance, 7/1/11</b>	<b>\$16,523.35</b>

**Robbins House established under Article 77 of the 1997 Annual Town Meeting Expenditures not to exceed \$55,000**

<b>Beginning Balance</b>	<b>\$19,927.10</b>
<b>Receipts</b>	<b>36,490.00</b>
<b>Expenditures</b>	<b>33,458.69</b>
<b>Balance, 7/1/11</b>	<b>\$22,958.41</b>

**Conservation Commission established under Article 44 of the 1996 Annual Town Meeting -expenditures not to exceed \$10,000**

<b>Beginning Balance</b>	<b>\$2,897.07</b>
<b>Receipts</b>	<b>10.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Balance, 7/1/11</b>	<b>\$2,907.07</b>

**Uncle Sam established under Article 31 of the 2000 Annual Town Meeting**

**Expenditures not to exceed \$2,000**  
**Beginning Balance**                   \$ 334.48  
**Receipts**                               500.00  
**Expenditures**                         490.80  
**Balance, 7/1/11**                     \$ 343.68

**Life Support Services established under Article 37 of the 2001 Annual Town Meeting Expenditures not to exceed \$800,000**  
**Beginning Balance**                   \$446,193.59  
**Receipts**                               704,239.62  
**Expenditures**                         754,256.78  
**Balance, 7/1/11**                     \$396,176.43

**Board of Health Fees established under Article 30 of the 2005 Annual Town Meeting Expenditures not to exceed \$100,000**  
**Beginning Balance**                   \$79,163.40  
**Receipts**                               68,324.73  
**Expenditures**                         56,234.64  
**Balance, 7/1/11**                     \$91,253.49

**Field User Fees- Established under Article 78 2004 Annual Town Meeting Expenditures not to exceed \$80,000**  
**Beginning Balance**                   \$88,845.70  
**Receipts**                               34,179.00  
**Expenditures**                         60,049.42  
**Balance, 7/1/11**                     \$62,975.28

**Rohbins Library Rental – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$8,000**  
**Beginning Balance**                   \$9,187.61  
**Receipts**                               3,350.00  
**Expenditures**                         880.00  
**Balance, 7/1/11**                     \$11,657.61

**Town Hall Rental – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$75,000**  
**Beginning Balance**                   \$ 8,510.50  
**Receipts**                               64,290.00  
**Expenditures**                         42,896.31  
**Balance, 7/1/11**                     \$29,904.19

**White Goods Recycling – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$80,000**  
**Beginning Balance**                   \$27,886.84

Receipts	41,727.98
Expenditures	25,245.99
Balance, 7/1/11	\$44,368.83

**Library Vend – Established under Article 34 2009 Annual Town Meeting**  
**Expenditures not to exceed \$12,000**  
 Beginning Balance \$6,970.92  
 Receipts 7,045.75  
 Expenditures 1,306.13  
 Balance, 7/1/11 \$12,710.54

**Gibbs School Energy – Established under Article 45 2010 Annual Town Meeting**  
**Expenditures not to exceed \$120,000**  
 Beginning Balance \$ 0.00  
 Receipts 114,680.46  
 Expenditures 114,680.46  
 Balance, 7/1/11 \$ 0.00

**Cemetery Chapel Rental – Established under Article 52 2011 Annual Town Meeting**  
**Expenditures not to exceed \$15,000**  
 Beginning Balance \$ 0.00  
 Receipts 0.00  
 Expenditures 0.00  
 Balance, 7/1/11 \$ 0.00

and that the Town further votes to establish in accordance with G.L. c. 44, § 53E ½, the following additional Revolving Fund:

A revolving fund (Central School Rental) to accept proceeds from short and long term leases of the Central School Building (27 Maple Street) and/or parts of it, said sums to be expended to fund repairs, capital improvements, and other costs associated with maintaining the building, said expenditures not to exceed \$450,000.

(3-0)

Mr. Greeley and Ms. LaCourt were absent.

**COMMENT:** This is the usual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law.

**ARTICLE 54**

**APPROPRIATION/PAID PARKING STUDY**

**VOTED:** That Town Meeting hereby recommends that the Town Manager and Board of Selectmen study whether to implement paid on-street parking in Town business districts.

**(3-0)**

**Mr. Greeley and Ms. LaCourt were absent.**

**COMMENT:** The Board of Selectmen wishes to learn the position of Town Meeting on whether to undertake a Town-wide paid parking study to determine the costs and benefits of implementing on-street parking meters or other paid parking devices in some business districts. Factors to consider would be revenue generation and whether charging for on-street parking would increase trade of local businesses by stimulating turnover of parked vehicles.

**ARTICLE 67**

**VOTE/FLOOD STUDY INTERLAKEN NEIGHBORHOOD**

**VOTED:** That no action be taken under Article 67.

**(5-0)**

**COMMENT:** This is a ten-registered voter article filed by residents of the Interlaken neighborhood near Mystic Lakes in an effort to have their property re-classified on the FEMA Flood Insurance Rate Maps by reason of recent dam work on the Mystic Lakes and other work in the Town of Winchester relative to the Aberjona River. While the Board agrees with the proponents' goal to ensure that the FEMA maps accurately delineate flood area boundaries and incorporate the most up-to-date information reflecting recent construction work, the Board believes that Town Meeting action is not necessary to accomplishment of this task. Instead, the Board voted to write the Town of Winchester a letter asking it to complete the requested flood study and to instruct Town staff to obtain and evaluate the results of that study. The proponent has expressed satisfaction with this approach and, therefore, no action is necessary under this article.

**ARTICLE 68**

**VOTE/GEOGRAPHIC INFORMATION SYSTEM (GIS)  
CHAPTER 40B STUDY COMMITTEE**

**VOTED:** That no action be taken under Article 68.

**(5-0)**

**COMMENT:** This is article would implement a 2006 Town Meeting vote creating a committee to study the use of GIS data to determine whether the Town has met its minimum affordable-housing requirement under Chapter 40B of the General Laws. The Board understands that, using land-area calculations, the Town may have already met that

requirement or may be about to meet it. Therefore, the Board does not believe that Town Meeting action is necessary to secure the result sought by the proponent of this article. Instead, the Board voted to instruct the staff of the Town Department of Planning and Community Development to report to the Board whether the Town has met its affordable-housing requirement using the land-area calculation or, if not, when the Town is expected to meet this requirement.

*Articles 69-70 are discussed together.*

**ARTICLE 69                    VOTE/RESCIND EMINENT DOMAIN AUTHORITY  
MASSACHUSETTS AVENUE SIDEWALKS**

**VOTED:**        That no action be taken under Article 69. (5-0)

**ARTICLE 70                    VOTE/ADD BALLOT QUESTION ON  
MASS. AVE. TRAVEL LANE COUNT**

**VOTED:**        That no action be taken under Article 70. (5-0)

**COMMENT:** These two articles represent an effort to derail the planned construction on Massachusetts Avenue from Pond Lane to the Cambridge Line. Last year, Town Meeting voted 135-32 to authorize the Board of Selectmen to exercise eminent domain authority to allow reconstruction and renovation of sidewalks and placement of handicap-accessible curb cuts. A positive vote under Article 69 would revoke that authority, meaning that the project would have to be reconfigured to exclude the planned sidewalk improvements. This redesign would result in substantial extra costs now as well as future costs associated with sidewalk maintenance and repair that would not be performed as part of this project.

Article 70 seeks placement of a non-binding public policy ballot question pertaining to the project. The Board of Selectmen has been asked to vote to place such a question on the ballot and has declined to do so. The question may also be placed through a petition signed by 10% of the Town's registered voters.

The Board is recommending no action under these articles at this late date in the history of the project. Substantial opportunity has been given for public input and the plans have been significantly revised to address many public concerns and comments. The delay proposed under these articles may result in the Town losing federal funding for this project. Road projects are operational initiatives that are not generally subject to popular referendum. The Board sees no reason to depart from that precedent here and therefore strongly urges that Town Meeting take no action under Articles 69 and 70.

**ARTICLE 71**

**HOME RULE LEGISLATION/  
TIMOTHY EDWARD FLOOD**

**VOTED: That no action be taken under Article 71.**

**(4-1)**

**Mr. Greeley voted in the negative.**

**COMMENT:** A majority of the Board recommends no action under this article that would permit the filing of home-rule legislation to allow the proponent to be appointed as a police officer even though he has passed the age limit of 32. Before reaching the age of 32, the proponent twice applied for employment as a police officer and twice was not selected. The proponent appealed his non-selection to the Civil Service Commission, which ultimately dismissed his appeal when he failed to appear for a second day of hearing. A majority of the Board is against giving this proponent a third chance to apply, given the unlikelihood that he would be selected and the time and resources that the Town would be obligated to expend in defending another appeal.

**ARTICLE 72**

**BYLAW AMENDMENT/RESTRICTIONS ON THE  
USE OF OUTSIDE COUNSEL FOR ZONING AND  
LAND USE MATTERS**

**VOTED: That no action be taken under Article 72.**

**(3-0)**

**Mr. Greeley and Ms. Mahon were absent.**

**COMMENT:** This article proposes a bylaw that would restrict the Town's use of outside counsel. The Board recommends no action under this article because it is concerned that the proposed restriction would unduly limit the ability of the Town to retain the best attorney for the job when the use of outside counsel is warranted. The Board does, however, agree with the proponent that any hiring of outside counsel should be reviewed carefully to ensure that the attorney being hired does not have a conflict of interest and has the necessary expertise for the task. Therefore, the Board voted to instruct the Town Manager to implement a formal policy under which any use of outside counsel by Town departments is subject to review and approval by the Town Counsel. The Town Manager has issued such a policy and therefore no action is necessary under this article.

**ARTICLE 73 RESOLUTION/US SUPREME COURT DECISION IN  
CITIZENS UNITED v. FEDERAL ELECTION COMMISSION**

**VOTED: It is hereby resolved that:**

**WHEREAS, we the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;**

**Corporations are not people; they are entities created by the law of states and nations;**

**For the past three decades, the Supreme Court of the United States has wrongly transformed the First Amendment and Constitution into a powerful tool for corporations seeking to evade and invalidate the people's laws;**

**This corporate misuse of the Constitution reached an extreme conclusion in the United States Supreme Court's ruling in *Citizens United v. Federal Election Commission*;**

***Citizens United v. Federal Election Commission* overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections;**

***Citizens United v. Federal Election Commission* unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;**

***Citizens United v. Federal Election Commission* purports to invalidate state laws and even state constitutional provisions separating corporate money from elections;**

***Citizens United v. Federal Election Commission* presents a serious and direct threat to our republican democracy;**

**Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government;**

**and**

**The people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in six of the ten decades of the twentieth century, and reversing seven erroneous Supreme Court decisions;**

**NOW THEREFORE BE IT REVOLVED THAT THE TOWN OF ARLINGTON CALLS UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE CITIZENS UNITED V. FEDERAL ELECTION COMMISSION AND TO RESTORE CONSTITUTIONAL RIGHTS AND FAIR ELECTIONS TO THE PEOPLE.**

**AND BE IT FURTHER RESOLVED THAT THE TOWN OF ARLINGTON CALLS UPON THE LEGISLATIVE BODY OF THE COMMONWEALTH OF MASSACHUSETTS TO CALL UPON THE MEMBERS OF ITS CONGRESSIONAL DELEGATION TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE CITIZENS UNITED V. FEDERAL ELECTION COMMISSION.**

**AND BE IT FURTHER RESOLVED THAT THE TOWN OF ARLINGTON CALLS UPON THE UNITED STATES CONGRESS AND THE LEGISLATIVE BODY OF THE COMMONWEALTH OF MASSACHUSETTS TO TAKE ANY OTHER APPROPRIATE ACTION TO REVERSE CITIZENS UNITED V. FEDERAL ELECTION COMMISSION OR AMELIORATE THE DETRIMENTAL EFFECTS OF CITIZENS UNITED V. FEDERAL ELECTION COMMISSION.**

**(2-1)**

**Mr. Dunn voted in the negative.**

**Mr. Greeley and Ms. LaCourt were absent.**

**COMMENT:** A majority of the Board supports the sentiments expressed in this resolution and feels that Town Meeting is an appropriate venue for expressing these concerns.

**REPORT OF THE  
BOARD OF SELECTMEN  
SPECIAL TOWN MEETING**

**MONDAY, MAY 7, 2012**

**8:00 P.M.**

**SPECIAL TOWN MEETING  
ARTICLE 9**

**HOME RULE LEGISLATION/  
ENERGY CONSERVATION FUND**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide substantially as follows:

**AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO  
ESTABLISH A SEPARATE ACCOUNT FOR ENERGY REBATES.**

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the Town of Arlington may keep utility energy incentive rebate proceeds in a separate account and may invest or reinvest such proceeds and place any interest in said separate account. The Town may appropriate money into this account to be used for the purposes stated herein. Funds from this account may be expended under the direction of the Town Manager for the purposes of implementing energy conservation measures and making energy efficiency improvements in Town and School buildings and other Town assets without further appropriation.

**SECTION 2.** This Act shall take effect upon its passage.

**(3-0)**

**Mr. Grecley and Ms. LaCourt were absent.**

**COMMENT:** As part of its designation as a "Green Community" under the Green Communities Act of 2008, the Town has embarked on a five-year energy reduction plan aimed at reducing the Town's overall energy usage by 20%. Energy conservation

features adopted to date have yielded rebates and incentives from utility companies. The incentive effect of these energy rebates has been difficult to capture, however, because state law requires these rebates to be deposited in the Town's general fund. This requirement has hampered the Town's ability to respond quickly to opportunities to pursue further energy savings projects because capital was not readily available. The proposed home-rule legislation, if passed, would allow the Town to segregate its energy rebate funds and make them readily available to direct toward the implementation of energy conservation measures. Resulting rebates or other incentives would then replenish the fund to use for additional energy conservation measures. The Board of Selectmen strongly supports this creative and innovative use of local financing to advance the Town's energy conservation goals.

#### **SPECIAL TOWN MEETING**

#### **ARTICLE 10**

#### **BYLAW AMENDMENT/RUBBISH COLLECTION**

**VOTED:** That Title III, Article 1, Section 22 ("Placing of Rubbish for Removal") of the Town Bylaws be and hereby is amended by inserting after the first sentence the following sentence: "Any uncollected rubbish or recyclable material must be removed by 9:00 P.M. of the date appointed for pick-up."

**(3-0)**

**Mr. Greeley and Ms. LaCourt were absent.**

**COMMENT:** Current Town Bylaws limit how early refuse may be placed at the curb for removal (no earlier than 6:00 p.m. the previous evening), but do not set any specific limit on how long uncollected trash or recyclables may remain on the curb. The Board supports the proposed amendment of the Bylaws to require that any uncollected rubbish or recyclable material be removed by 9:00 p.m.

# APPENDIX A

## Warrant For Town Meeting 2012

### Street Name Approval:

Albemarle Street  
Grand View Road  
Mt. Vernon Street  
Sky Line Drive  
Waverly Street

### Summary

The goal of this warrant is to rectify and agree upon commonly misspelled street names. Various departments maintain their own street list and research has shown that these lists vary in their spelling and completeness. Acceptance of an official street list is vital to the development of the town's geographic data and will ensure all departments have the most up to date information. Below are the desired spellings of commonly misspelled streets, based on the research conducted by the GIS Coordinator. I hope that readers of this will provide their recommendations and/or approval. *Note:* BOS is the Board of Survey or the Board of Selectmen; DPW is Department of Public Works. Various bulleted items have links to associated attachments; hover over item and click to access.

- Desired spelling: **Albemarle Street**
  - Research confirming desired spelling:
    - Petition by residents to the BOS 1909
    - Special Notice from BOS 1916
    - Warrant Article 39 from 1916 Annual Report
    - Clerk's response to resident requests 1918
    - Deeds in the Registry of Deeds
    - Assessor street list
  - Research in conflict with desired spelling (Albermarle Street):
    - Hand written note on Special Notice from BOS 1916
    - Betterment Assessment 1916 signed by DPW and BOS
    - Acceptance Plan and Profile of Albermarle St., 1916, by Town Engineer
    - Hand written note on Clerk's response to resident requests 1918
    - Deeds in the Registry of Deeds
    - DPW, Police, and Clerk street list
- Desired spelling: **Grand View Road**
  - Research confirming desired spelling:
    - Plan of Grand View Road, Robbins Spring Water & Land Associates, 1898
    - BOS notes 1898
    - Betterment Assessment 1941 signed by DPW and BOS
    - Laying Out notice 1941 signed by DPW and BOS
    - Deeds in the Registry of Deeds
    - DPW and Police street list
  - Research in conflict with desired spelling (Grandview Road):
    - Letter from DPW to resident 2011, (73 Grandview Road)
    - Deeds in the Registry of Deeds
    - Assessor and Clerk street list
- Desired spelling: **Mt. Vernon Street**

- Research confirming desired spelling:
  - Plan and Profile of Mt. Vernon St. Ext., 1926
  - Betterment Assessment 1927 signed by DPW and BOS
  - Laying Out notice 1928 signed by DPW and BOS
  - Order of Notice 1928 signed by DPW and BOS
  - Warrant Article 26 from 1929 Annual Report
  - Deeds in Registry of Deeds
  - Assessor and Police street list
- Research in conflict with desired spelling (Mount Vernon Street):
  - Warrant Article 26 from 1929 Annual Report
  - \* Deeds in Registry of Deeds
  - DPW and Clerk street list
- Desired spelling: **Sky Line Drive**
  - Research confirming desired spelling:
    - Letter from Town Manager describing BOS's approval of the laying out 19S4
    - Order of Taking signed by BOS 19SS
    - Letter from Town Engineer to Town Manager 1955
    - DPW and Police street list
  - Research in conflict with desired spelling (Skyline Drive):
    - Deeds in the Registry of Deeds
    - Assessor and Clerk street list
- Desired spelling: **Waverly Street**
  - Research confirming desired spelling:
    - Clerk's response to resident request 1927
    - Application for Estimate of Cost of Constructing Street 1927
    - Order of Taking 1931 for parcel of land signed by DPW and BOS
    - Handwritten address list circa 193B
    - Order of Notice to lay out street 1938 signed by Board of DPW
    - Warrant Article 42 from 19S0 Annual Report, from Florence Ave to Hillside Ave (spelled Waverly in all but 1 instance)
    - Stenographic notes from Warrant Article 42 from 19S0 Annual Report
    - Order of Taking for parcel of land 1952 signed by DPW and BOS
    - Deeds in the Registry of Deeds
    - Assessor and Clerk street list
  - Research in conflict with desired spelling (Waverley Street):
    - Plan and Profile for Waverley St 1910
    - Betterment Assessment 19S3 signed by BOS
    - Warrant Article 48 from 19S7 Annual Report (spelled Waverley in all instances)
    - Betterment Assessment 195B signed by BOS
    - Deeds in the Registry of Deeds
    - DPW and Police street list

## Attachments

The attachments below can be accessed using the links in the summary above. Hover over a bulleted item and click to link to associated attachment.

for Monday 27<sup>th</sup> Sept -

Arlington Mass Sept 10 '09

To the Board of Survey of the Town of Arlington.

We, the undersigned, contemplating the laying out or locating and constructing the street or way in the Town of Arlington designated as

Albemarle St.

and shown on the plan herewith submitted, entitled

Plan of  
Albemarle Street  
petitioned for by  
F. R. and E. M. Vail

showing proposed lines and grades  
made by C. H. Gunnett C. E.

Scale 4' = 1" and 6' = 1" Sept 10 1909

respectfully petition your honorable Board to approve said plan under the provisions of Chapter 249, of the Acts of the year 1897.

F. R. & E. M. Vail  
by C. H. Gunnett

*Albemarle*

SPECIAL NOTICE.

Board of Survey.

Whereas, the Town of Arlington has accepted <sup>*Albemarle*</sup> ~~Albemarle~~  
Street as a public highway, as shown on plan approved by the  
Board of Survey, showing lines and grades, and

Whereas, it will be necessary in order to establish  
said lines and grades to take for highway purposes certain  
parcels of land situated on said street.

A public hearing will be given on said taking on Tuesday  
evening, December 5th, 1916, at eight o'clock, in the Select-  
men's Room, in Town Hall.

Per Order

Board of Survey

By

Thomas J. Robinson,

Clerk.

TO ANY CONSTABLE OF THE TOWN OF ARLINGTON,

*Albermarle St.*

GREETING:

Whereas, in the opinion of the Joint Board of Selectmen and Board of Public Works of the Town of Arlington common convenience and necessity of the inhabitants of said Town require that the private way known as Albermarle St. should be laid out as a public or town way, and that it is the intention of said Joint Board to lay out said street or road as a public way, under the provisions of law authorizing the assessment of betterments, said street or way is described as follows:

Beginning at a point on the southeasterly side line of Walnut St., 658.5 ft. more or less, southwesterly from the westerly side line of Mass. Ave., thence, running southeasterly 392.21 ft. to the northwesterly side line of Mt. Vernon St. The easterly side line is 40 ft. from and parallel to the above described westerly line as shown on a plan approved by the Board of Survey, October 2, 1909 entitled, "Plan of Albermarle Street, Petitioned for by F. R. & G. M. Vail showing proposed lines and grades, made by C. E. Gannett, C. E., Scale 40' & 6" = 1", Sept. 10, 1909."

You are hereby ordered to give notice to

Annie Amos Dixon

Charles H. Rider Jr. & Katherine S. Rider

Fredrick R. & George M. Vail

Florence S. Vail

Margaret A. & Florence S. Vail

Agnes S. McLeod

and all other persons interested that this Joint Board intend to lay out as a public street or town way the street before mentioned and that due notice be given to them, and all parties and persons owning or having any rights in estates that will be benefited by the said proposed laying out of said street, that this Board intend to assess a portion of the expense thereof upon estates so benefited, according to law, and that the eighth day of February, 1916, at eight o'clock P. M., in the Selectmen's Room, Town Hall, are assigned as the time and place for hearing any objections which may be to said laying out, or to said assessment.

If any of the persons hereinabove named have no such place of abode in said Town, and no tenant or authorized agent therein known to the Joint Board, or if being residents in said Town they are not known as such to the said Joint Board you are directed to notify such persons, and any and all persons and corporations, if any, who may be interested, by posting up true and attested copies of this Warrant in a public place in this Town seven days at least before the day appointed for said hearing.

Hereof, fail not, and make due return of this Warrant with your doings thereon to the Joint Board of Selectmen and Board of Public Works, as soon as may be after service.

Witness our hands this seventeenth day of January A. D. 1916.

*Willis D. Howard*  
*Thomas J. Donnell*  
*Horatio A. Purcell*  
*H. S. Adams*  
*Philip C. Edwards*  
*Robert W. Pond*

Joint Board  
of Selectmen  
and  
Board of Public Works  
of  
Arlington. 6

March 8th, 1918.

Mr. Charles H. Rider, Jr.,  
#18 Albemarle Street,  
Arlington, Mass.,

Dear Sir;

Referring to your letter of March 7th, 1918, you are informed as follows: the two parcels of land taken for the construction of ~~Albemarle Street~~ <sup>Albemarle</sup> were taken for highway purposes, and under the Law the Board could not award for damages more than the assessed value of the land. The party, however, from whom the land is taken has the right of a trial by jury to assess the damages if, in his judgement, the original award was not sufficient. In these two cases the difference between the assessed value, as awarded, and the price the parties felt they should receive was settled between the parties and the Board without legal proceedings. As in nearly all of such cases the amount paid is in the nature of a compromise between the amount assessed and the amount asked. In these two cases the amounts paid were as follows: Calvin E. Merrill \$850, and Willard U. Pike \$500. Trusting the above will give you the information desired, I am,

Yours truly,

Clerk.

#1  
For Warrant

Description of land owned by Town of Arlington at southwesterly corner of Mt. Vernon and Albermarle Sts.

Beginning at a stone bound on the northerly side line of Mt. Vernon St. and the westerly side line of Albermarle St.; thence northwesterly on the westerly side line of Albermarle St. 112.46 feet to land now or formerly owned by Agnes S. McLeod; thence southwesterly by said land now or formerly owned by Agnes S. McLeod 36.70 feet to land of owners unknown; thence southeasterly by said land of owners unknown 114.37 feet to the northerly side line of Mt. Vernon St.; thence northeasterly by said northerly side line of Mt. Vernon St., 37.70 feet to the point of beginning, containing 4325 sq. ft., more or less, as shown on a plan entitled, "Acceptance Plan and Profile of Albermarle St., Arlington, Mass., Showing Land Taken, Scales: Hor. 1" = 40' April 1, 1916, George E. Ahern, Town Engineer."

November 29, 1921.

sions of law authorizing the assessment of betterments, said way being more particularly described in Article 35 of the Warrant.

Article 36 taken up. (Acceptance of Thorndike Street.)

Voted: That the Town accept and establish as a Town way the private way known as Thorndike Street, from Massachusetts Avenue southerly 1057 feet, more or less, as laid out by the Joint Board of Selectmen and Board of Public Works, under the provisions of law authorizing the assessment of betterments, said way being more particularly described in Article 36 of the Warrant.

Article 37 taken up. (Acceptance of Raleigh Street.)

Voted: That the Town accept and establish as a Town way the private way known as Raleigh Street, from Grafton Street to Harlow Street, as laid out by the Joint Board of Selectmen and Board of Public Works, under the provisions of law authorizing the assessment of betterments, said way being more particularly described in Article 37 of the Warrant.

Article 38 taken up. (Acceptance of Florence Avenue.)

Voted: That the Town accept and establish as a Town way the private way known as Florence Avenue, from Claremont Avenue to Renfrew Street, as laid out by the Joint Board of Selectmen and Board of Public Works, under the provisions of law authorizing the assessment of betterments, said way being more particularly described in Article 38 of the Warrant.

Article 39 taken up. (Acceptance of Albemarle Street.)

Voted: That the Town accept and establish as a Town way the private way known as Albemarle Street, from Walnut Street to Mt. Vernon Street, as laid out by the Joint Board of Selectmen and Board of Public Works, under the provisions of law authorizing the assessment of betterments, said way being more particularly described in Article 39 of the Warrant.

Article 40 taken up. (Acceptance of Falmouth Road.)

Voted: That the Town accept and establish as a Town way the private way known as Falmouth Road, from Mystic Street to Langley Road, as laid out by the Joint Board of Selectmen and Board of Public Works, under the provisions of law authorizing the assessment of betterments, said way being more particularly described in Article 40 of the Warrant.

Article 41 taken up. (Acceptance of Langley Road.)

Voted: That the Town accept and establish as a Town way

Feb. 5, 1941.

GRAND VIEW ROAD

Beginning at the point of intersection of the northeasterly side line of Eastern Avenue and the northwesterly side line of Grand View Road, thence northeasterly on said northwesterly side line of Grand View Road a distance of 410.87 feet to a point of curve in said northwesterly side line of Grand View Road, thence continuing northeasterly on said northwesterly side line of Grand View Road on a curve to the right with a radius of 640.29 feet a distance of 108.26 feet to a point of tangency in said northwesterly side line of Grand View Road, thence continuing northeasterly on said northwesterly side line of Grand View Road a distance of 101.82 feet to the point of intersection of said northwesterly side line of Grand View Road and the southwesterly side line of Hawthorne Avenue, thence southeasterly on said southwesterly side line of Hawthorne Avenue a distance of 50.48 feet to the point of intersection of said southwesterly side line of Hawthorne Avenue and the southeasterly side line of Grand View Road, thence southwesterly on said southeasterly side line of Grand View Road a distance of 108.65 feet to a point of curve in said southeasterly side line of Grand View Road, thence continuing southwesterly on said southeasterly side line of Grand View Road on a curve to the left with a radius of 590.29 feet a distance of 99.77 feet to a point of tangency in said southeasterly side line of Grand View Road, thence continuing southwesterly on said southeasterly side line of Grand View Road a distance of 411.94 feet to the point of intersection of said southeasterly side line of Grand View Road and the northeasterly side line of Eastern Avenue, thence northwesterly on said northeasterly side line of Eastern Avenue a distance of 50.01 feet to the point of beginning as shown on a plan on file in the office of the Town Clerk, Arlington, Mass. entitled: "Plan of Grand View Road, Arlington, Mass. owned by Robbins Spring Water & Land Associates, showing proposed lines & grades, made by H. S. Adams C. E., Scale 40' & 6" = 1", Mar. 1898."

James M. Keane,

TOWN ENGINEER.

ORDER OF NOTICE - OFFICER'S RETURN

Arlington, Mass., January 14, 1941

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington, Massachusetts, hereby give notice of their intention to lay out a town way, under the provisions of law authorizing the assessment of betterments or otherwise, substantially in the location of the private way known as Grand View Road, from Hawthorne Avenue to Eastern Avenue, in said Town, as shown upon a plan marked "Plan of Grand View Road, Arlington, Mass. owned by Robbins Spring Water & Land Associates Showing proposed lines & grade, Made by H. S. Adams, C. E. Scale 40' & 6' = 1". Mar. 1898", filed in the office of the Town Clerk of said Town, and that they will meet in the Hearing Room in the Town Hall in said Town on January 28, 1941, at 7:20 P.M., to hear all persons interested.

Harold E. Stahm  
William C. Adams

Willard A. Wallace  
James P. Smith  
Leon H. Marsh

Joint Board of Selectmen and Board of Public Works

To the Constables of the Town of Arlington.

You are hereby required to serve the foregoing notice, seven days at least prior to January 28, 1941, upon the persons named in the attached list, by leaving a copy thereof by you attested, at their several usual places of abode or delivering such copy to each of them in person or to his tenant or authorized agent and by posting such copy in a public place in said Town.

(See attached list)

By order of the Joint Board of Selectmen and Board of Public Works of Arlington.

James J. [Signature] Secretary

OFFICER'S RETURN OF SERVICE

Arlington, Mass., January 21, 1941

I hereby certify that I have served the within notice by mailing or leaving a copy thereof by me attested, at the last and usual place of abode of persons indicated on the attached list on the <sup>18th</sup> day of January, 1941, by delivering or mailing such copy in person to persons indicated on the attached list on the <sup>18th</sup> day of January, 1941, and by posting such copy in a public place in said Town, to wit, on the bulletin board of the Town Hall, on the <sup>21st</sup> day of January, 1941.

## LAYING OUT

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Arlington, Mass., January 28, 1941

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington in said County of Middlesex, having determined and adjudged that common convenience and necessity require the laying out of a town way in said town under the provisions of law authorizing the assessment of betterments, in the location hereinafter described, having complied with all the requirements of law relating to the notice of our intention to lay out such way and of a hearing thereon, having held such hearing at the time and place appointed therefor and having heard all persons present who desired to be heard, do now again determine and adjudge that common convenience and necessity require such laying out and have laid out and do hereby lay out a town way for the use of said Town, substantially in the location of the private way known as Grand View Road, from Hawthorne Avenue to Eastern Avenue, and shown upon a plan marked "Plan of Grand View Road, Arlington, Mass. owned by Robbins Spring Water & Land Associates Showing proposed lines & grades, Made by H. S. Adams, C. E. Scale 40' & 6' = 1". Mar. 1898" duly approved and signed by the Board of Survey of said Town and filed in the office of the Town Clerk of said Town. The said town way as so laid out is bounded and described as follows:

Beginning at the point of intersection of the northeasterly side line of Eastern Avenue and the northwesterly side line of Grand View Road, thence northeasterly on said northwesterly side line of Grand View Road a distance of 410.87 feet to a point of curve in said northwesterly side line of Grand View Road, thence continuing northeasterly on said northwesterly side line of Grand View Road on a curve to the right with a radius of 640.29 feet a distance of 108.26 feet to a point of tangency in said northwesterly side line of Grand View Road, thence continuing northeasterly on said northwesterly side line of Grand View Road a distance of 101.82 feet to the point of intersection of said northwesterly side line of Grand View Road and the southwesterly side line of Hawthorne Avenue, thence southeasterly on said southwesterly side line of Hawthorne Avenue a distance of 50.48 feet to the point of intersection of said southwesterly side line of Hawthorne Avenue and the southeasterly side line of Grand View Road, thence southwesterly on said southeasterly side line of Grand View Road a distance of 108.65 feet to a point of curve in said southeasterly side line of Grand View Road, thence continuing southwesterly on said southeasterly side line of Grand View Road on a curve to the left with a radius of 590.29 feet a distance of 99.77 feet to a point of tangency in said southeasterly side line of Grand View Road, thence continuing southwesterly on said southeasterly side line of Grand View Road a distance of 411.94 feet to the point of intersection of said southeasterly side line of Grand View Road and the northeasterly side line of Eastern Avenue, thence northwesterly on said northeasterly side line of Eastern Avenue a distance of 50.01 feet to the point of beginning as shown on a plan on file in the office of the Town Clerk, Arlington, Mass. entitled: "Plan of Grand View Road, Arlington, Mass. owned by Robbins Spring Water & Land Associates, showing proposed lines & grades made by H. S. Adams, C. E., Scale

provisions of law authorizing assessments are to be assessed therefor.

The area which it is expected will receive benefit or advantage, other than the general advantage to the community, from such improvement are the areas consisting of lots numbered A, B, D, 4, 11, 12, 18, 19, 27, 26, 25, 24, 23, 22, 21, B and A, reference being hereby made to last mentioned plan for a more particular description thereof.

We estimate the betterments that will be assessed upon each parcel of land within such area as follows, reference being hereby made to said last mentioned plan for a more particular description of said parcels.

Parcel Number	Front. in Feet	Supposed Owner	Estimated Amount
A	72.0	Wells, Benjamin F. and Minnie M.	\$430.37
B	125.0	Wells, Benjamin F. and Minnie M.	1044.10
D	67.0	Wing, Lenore	636.89
4	63.25	Egan, Thomas H. and Mary E.	368.88
11	64.9	Reardon, William J. and Mary Josephine	371.97
12	62.75	Reardon, William J. and Mary Josephine	580.96
18	61.0	Westine, F. Waldemar and Sarah B.	571.99
19	65.0	Corcoran, Elizabeth G.	374.75
27	124.6	Goodwin, Jeane M.	915.53
26	55.76	Chace, Myron D. and Ruth D.	522.37
25	60.0	Griffin, John F. and Almyra L.	572.56
24	60.0	Truvedson, Olaf	572.56
23	60.0	Boyajian, Ezna A.	572.56
22	60.0	Dardis, Frank S. and Mary J. F.	559.96
21	75.0	Dardis, Frank S. and Mary J. F.	667.68
B	55.0	Johnson, Vernaid P. and Ruth A.	466.81
A	70.0	Mooney, Mary E.	569.04

\$9,798.98

We hereby report this laying out to the Town for acceptance and order that this report be filed forthwith in the office of the Town Clerk.

William C. Adams

Lucius H. Marsh

Willard A. Wallace

Lucius H. Marsh

Joint Board of Selectmen and Board of Public Works of the Town of Arlington



DEPARTMENT OF PUBLIC WORKS

TOWN OF ARLINGTON  
51 Grove Street  
Arlington, Massachusetts 02476

Engineering Department

Telephone (781) 316-3386

Fax (781) 316-3281

Mr. & Mrs. Tomothy Jarrett  
73 Grandview Road  
Arlington, MA 02476

March 1, 2011

Mr. & Mrs. Tomothy Jarrett,

This notice serves to inform you that complaints have been made to the Arlington Department of Public Works regarding the discharge of water at your property at 73 Grandview Road in Arlington, MA. The Town of Arlington By-law Title III, Section 30 states that:

"No person shall cause to be discharged any water on public ways of the Town if in so doing ice is formed in such a manner as to make unsafe the passage of vehicles or persons on such a public way"

Please take this notice as an opportunity to try to correct the situation at your property. One potential solution that has worked elsewhere in town is to discharge directly into the Town's Stormwater Drainage System. This will require street work that must be completed by a Town Licensed DrainLayer (please see the enclosed list).

If this issue remains unaddressed, further action by the town may be required to ensure the safe passage of vehicles and pedestrians on the ways in the Town of Arlington.

Please contact the Engineering Department as soon as possible to discuss the most appropriate remedy at your property or if you have any questions regarding this notification.

Thank You.

CC: File

ORDER OF NOTICE - OFFICER'S RETURN

Arlington, Mass., December 28, 1927

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington, Massachusetts, hereby give notice of their intention to lay out a town way, under the provisions of law authorizing the assessment of betterments or otherwise, substantially in the location of the private way known as Mt. Vernon Street, from Gray Street to Hawthorne Avenue in said Town, as shown upon two (2) plans marked "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass. Petitioned for by P. S. Baker and W. D. Storey, Scale, Hor. 1" = 40', Ver. 1" = 6', April 1922, C. H. Gannett, C. E., 53 State St., Boston" and "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass. Petitioned for by James H. Murray, Scale, Hor. 1" = 40', Ver. 1" = 6', July 1926, C. H. Gannett, C. E., 53 State St., Boston, Mass." on file in the office of the Town Engineer of said Town, and that they will meet at the Hearing room in the Town Hall in said Town on January 10, 1928, at 7.30 P.M. to hear all persons interested.

John B. Crosby James R. Smith  
Rollie M. Fitt Walter J. Robinson  
Fred A. Manning William J. Trichard  
Joint Board of Selectmen and Board of Public Works

To the Constables of the Town of Arlington.

You are hereby required to serve the foregoing notice, seven days at least prior to January 10, 1928, upon the persons named in the attached list by leaving a copy thereof by you attested, at their several usual place of abode or delivering such copy to each of them in person or to his tenant or authorized agent and by posting such copy in a public place in said Town.

(See attached list)

By order of the Joint Board of Selectmen and Board of Public Works of Arlington.

John N. Foster Clerk

OFFICER'S RETURN OF SERVICE

Arlington, Mass. Jan 10, 1928.

I hereby certify that I have served the within notice by leaving a copy thereof by me attested, at the last and usual place of abode of those indicated in attached list on the this day of Jan 1928, by delivering such copy in person to those indicated in attached list on the this day of Jan 1928.

ORDER OF NOTICE - OFFICER'S RETURN

Arlington, Mass., November 27, 1928

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington, Massachusetts, hereby give notice of their intention to lay out a town way, under the provisions of law authorizing the assessment of betterments or otherwise, substantially in the location of the private way known as Mt. Vernon Street, from Gray Street to land of Nathan Robbins in said Town, as shown upon two (2) plans marked "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass. Petitioned For By P. S. Baker and W. D. Storey, Scale Hor. 1" = 40', Ver. 1" = 6', Apr. 1922, C. H. Gannett, C. E., 53 State St., Boston" and "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass. Petitioned For By James H. Murray, Scale Hor. 1" = 40', Ver. 1" = 6' July 1926, C. H. Gannett, C. E., 53 State St., Boston, Mass." on file in the office of the Town Clerk of said Town, and that they will meet at the Hearing room in the Town Hall in said Town on December 14, 1928, at 7.50 P. M. to hear all persons interested.

Rollin H. Fott Walter F. Robinson

Fake A. Manning William J. Fairchild

Arthur P. Wyman James P. Smith  
Joint Board of Selectmen and Board of Public Works

To the Constables of the Town of Arlington.

You are hereby required to serve the foregoing notice, seven days at least prior to December 14, 1928, upon the persons named in the attached list, by leaving a copy thereof by you attested, at their several usual place of abode or delivering such copy to each of them in person or to his tenant or authorized agent and by posting such copy in a public place in said Town.

(See attached list of persons)

By order of the Joint Board of Selectmen and Board of Public Works of Arlington.

John A. Easton Clerk

OFFICER'S RETURN OF SERVICE

Arlington, Mass., Dec 7, 1928.

I hereby certify that I have served the within notice by mailing or leaving a copy thereof by me attested, at the last and usual place <sup>16</sup> of abode of persons named in attached list

LAYING OUT

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Arlington, Mass., January 10, 1928

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington in said County of Middlesex, having determined and adjudged that common convenience and necessity require the laying out of a town way in said town under the provisions of law authorizing the assessment of betterments, in the location hereinafter described, having complied with all the requirements of law relating to the notice of our intention to lay out such way and of a hearing thereon, having held such hearing at the time and place appointed therefor and having heard all persons present who desired to be heard, do now again determine and adjudge that common convenience and necessity require such laying out and have laid out and do hereby lay out a town way for the use of said Town, substantially in the location of the private way known as Mt. Vernon Street, from Gray Street to Hawthorne Avenue, and shown upon two (2) plans marked "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass., Petitioned for by P. S. Baker and W. D. Storey, Scale Hor. 1" = 40', Ver. 1" = 6', Apr. 1922, C. H. Gannett, C. E., 53 State St., Boston" and "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass., Petitioned for by James H. Murray, Scale Hor. 1" = 40', Ver. 1" = 6', July 1926, C. H. Gannett, C. E., 53 State St., Boston, Mass." duly approved and signed by the Board of Survey of said Town and filed in the office of the Town Clerk of said Town. The said town way as so laid out is bounded and described as follows:

Beginning at the point of intersection of the westerly side line of Gray Street and the southerly side line of Mt. Vernon Street, thence westerly on said southerly side line of Mt. Vernon Street on a curve to the left with a radius of 25.0 feet, a distance of 36.14 feet to a point of tangency in said southerly side line of Mt. Vernon Street, thence southwesterly on said southerly side line of Mt. Vernon Street, a distance of 1248.85 feet to a point of curve in said southerly side line of Mt. Vernon Street, thence southerly on a curve to the left with a radius of 30.0 feet, a distance of 49.47 feet to a point of tangency, thence southwesterly a distance of 21.03 feet to a point, thence northwesterly a distance of 74.18 feet to the northerly side line of Mt. Vernon Street, thence northeasterly on said northerly side line of Mt. Vernon Street a distance of 1294.31 feet to a point of curve in said northerly side line of Mt. Vernon Street, thence northerly on said northerly side line of Mt. Vernon Street on a curve to the left with a radius of 25.0 feet, a distance of 41.93 feet to the westerly side line of Gray Street, thence southeasterly on said westerly side line of Gray Street a distance of 35.49 feet to an angle point in said westerly side line of Gray Street, thence continuing southeasterly on said westerly side line of Gray Street a distance of 54.67 feet to the point of beginning as shown on two plans on file in the office of the Town Clerk, Arlington, Mass., entitled "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass., Petitioned for by P. S. Baker and W. D. Storey, Scale Hor. 1" = 40', Ver. 1" = 6', Apr. 1922, C. H. Gannett, C. E., 53 State St., Boston" and "Plan and Profile of Mt. Vernon St. Ext., Arlington, Mass., Petitioned for by James H. Murray, Scale Hor. 1" = 40', Ver. 1" = 6', July 1926, C. H. Gannett, C. E., 53 State St., Boston, Mass."

Number	in Feet	Supposed Owner	Estimated Amount
32	51.50	Hazlett, Charles E. and Hazlett, Isabel V.	\$483.82
33	51.50	LoCascio, N. Carl and LoCascio, Mary T.	483.82
34	51.50	Warren, Herbert E.	483.82
35	51.50	Cavanaugh, Michael J.	483.82
36	51.50	Cavanaugh, Michael J.	483.82
37	51.50	Turner, Florence	483.82
38	60.00	Murray, James H.	563.68
39	59.80	Murray, James H.	589.42

We hereby report this laying out to the Town for acceptance and order that this report be filed forthwith in the office of the Town Clerk.

Alvin B. Crosby James D. Smith  
Robert M. Gott Walter F. Robinson  
Luke A. Manning William S. Fairchild  
 Joint Board of Selectmen and Board of Public Works of  
 the Town of Arlington

## Article 25 taken up. (Menotomy Road)

Voted: (Unanimously) That the laying out of a town way from Massachusetts Avenue to Gray Street, substantially in the location of the private way known as Menotomy Road, as more particularly described in Article 25 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

## Article 26 taken up. (Mount Vernon Street)

Voted: (Unanimously) That the laying out of a town way from Gray Street to land of Nathan Robbins, substantially in the location of the private way known as Mt. Vernon Street, as more particularly described in Article 26 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

## Article 27 taken up. (Mystic Lake Drive)

Voted: (Unanimously) That the laying out of a town way from the end of the present accepted portion of Mystic Lake Drive to Mystic Valley Parkway, substantially in the location of the private way known as Mystic Lake Drive, as more particularly described in Article 27 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said

Joint Board authorized to take land for the purpose of said way.

## Article 28 taken up. (Newman Way)

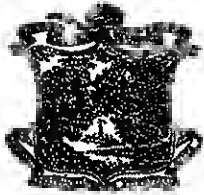
Voted: (Unanimously) That the laying out of a town way from Massachusetts Avenue to the center line of Wildwood Avenue, substantially in the location of the private way known as Newman Way, as more particularly described in Article 28 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

## Article 29 taken up. (Newport Street)

Voted: (Unanimously) That the laying out of a town way from the end of the present accepted portion of Newport Street to the center line of Hawthorne Avenue, substantially in the location of the private way known as Newport Street, as more particularly described in Article 29 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

## Article 30 taken up. (Oak Knoll)

Voted: (Unanimously) That the laying out of a town way from Pleasant Street westerly the entire length, substantially in the location of the private way known as Oak Knoll, as more particularly described in Article 30 of the Warrant, under the provisions of law authorizing the assessment of betterments, as made and reported by the



TOWN OF ARLINGTON  
MASSACHUSETTS  
OFFICE OF THE TOWN MANAGER  
TOWN HALL

EDWARD C. MONAHAN  
TOWN MANAGER

December 10, 1954

Mr. Joseph A. Purcell  
432 Massachusetts Avenue  
Arlington 74, Massachusetts

Dear Mr. Purcell:

The Board of Survey meeting on Monday, December 6, 1954, voted to approve the application of Mrs. Irene B. Graziano, 20 Theada Street, relative to the laying out or locating and construction of the street or way in the Town of Arlington designated as Sky Line Drive, and shown on a plan entitled "Street Plan and Profile of Arlington, Mass., Scales: Hor. 1" = 40', Ver. 1" = 6', Sept. 27, 1954, Kenneth B. Oates, Civil Engineer, Watertown, Mass.", under the provision of Chapter 249 of the Acts of the year 1897, and any amendments therefor additions thereto. This approved application was granted subject to the following conditions to be performed by Mrs. Irene B. Graziano:

1. To perform all necessary trench excavation and back-filling for both sewer and water mains.
2. To install all sanitary sewers, including manholes.
3. To provide sufficient space in the sewer trenches for the installation of water mains and appurtenances.
4. To construct a suitable roadway 25' in width in accordance with proposal.
5. To install all required stone bounds as determined by the Town Engineer.
6. To provide the necessary performance bond for the faithful performance of the above work.
7. All work to be performed to the satisfaction of the Town Manager or through his duly authorized agents; namely, Supt. of Public Works and The Town Engineer.

Would you please prepare an agreement between Mrs. Irene B. Graziano and the Town of Arlington by its Town Manager for the performance of the above work by Mrs. Graziano on Sky Line Drive as shown on Board of Survey layout approved. It is suggested that in this agreement that sewer assessment will not be levied against the lots affected and that the ownership of the sewer and water system will revert to the Town of Arlington upon completion of the entire project as outlined. For further information relative to this agreement I suggest that you confer with Mr. Roby, Assistant Town Engineer, for any data which you may find necessary.

Very truly yours,

Warren E. O'Leary  
Acting Town Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Town Hall  
Arlington, Massachusetts

The Board of Selectmen of the Town of Arlington in said County of Middlesex acting herein under the authority given by chapter 242 of the Acts of 1873, chapter 3 of the Acts of 1904, chapters 92 and 79 of the General Laws, and all Acts in amendment thereof or addition thereto, and every other power and authority hereto enabling, having complied with all the preliminary requirements prescribed by law, and said Town having made an appropriation therefor, does hereby adopt the following order of taking:

ORDERED that there be and hereby is taken for and on behalf of said Town, and for the purpose of constructing, maintaining and operating water works, the interest hereinafter mentioned in a certain parcel of land known as Sky Line Drive from Philemon Street to the Winchester Line, 40 feet in width, situated in said Arlington, bounded and described as follows:

Beginning at the point of intersection of the northeasterly side line of Philemon Street and the northwesterly side line of Sky Line Drive thence southeasterly, easterly and northeasterly on said northwesterly side line of Sky Line Drive with a curve to the left with a radius of 20 feet a distance of 36.0 feet to a point of tangency thence northeasterly on said northwesterly side line of Sky Line Drive a distance of 94.83 feet to a point of curve thence northeasterly on said northwesterly side line of Sky Line Drive on a curve to the right with a radius of 391.40 feet a distance of 95.32 feet to a point of tangency thence northeasterly on said northwesterly side line of Sky Line Drive a distance of 49.17 feet to a point of curve thence northeasterly on said northwesterly side line of Sky Line Drive on a curve to the left with a radius of 100.96 feet a distance of 69.86 feet to the Winchester-Arlington Town Line thence southeasterly by said Winchester-Arlington Line a distance of 42.17 feet to a point on the southeasterly side line of Sky Line Drive thence southwesterly on said southeasterly side line of Sky Line Drive on a curve to the right with a radius of 140.96 feet a distance of 113.33 feet to a point of tangency thence southwesterly on said southeasterly side line of Sky Line Drive a distance of 49.17 feet to a point of curve thence southwesterly on said southeasterly side line of Sky Line Drive on a curve to the left with a radius of 351.45 feet a distance of 85.57 feet to a point of tangency thence southwesterly on said southeasterly side line of Sky Line Drive a distance of 50.16 feet to a point of

Sky Line Drive from Philemon St. to the Winchester Line/3/2-14-55

hereunto set our hands and common seal this fourteenth day of  
February, 1955.

George A. Harris  
Marcus L. Sorensen  
Franklin W. Hurd  
Joseph P. Greeley  
Thomas R. Rawson

} Board of  
Selectmen  
of  
Arlington.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

February 14, 1955

Then personally appeared the above named George A. Harris,  
Marcus L. Sorensen, Franklin W. Hurd, Joseph P. Greeley and  
Thomas R. Rawson, and acknowledged the foregoing instrument to  
be the free act and deed of the Board of Selectmen of the Town  
of Arlington, before me

James J. Gledhill  
Notary Public

My Commission Expires May 3, 1957

October 31, 1955

Mr. Edward C. Monahan  
Town Manager  
Town Hall  
Arlington, Mass.

Re: Sky Line Drive Development

Dear Sir:

The grade of Sky Line Drive has been checked and found to conform to the Board of Survey grade within 6 in., completing the work as agreed.

Very truly yours,

TOWN ENGINEER

November 9, 1927

Mr. George D. Purdy  
159 Waverly St.  
Arlington, Mass.

Dear Sir:

This is to advise you that at the meeting of the Joint Board held Tuesday, November 8, 1927 a petition signed by property owners of Waverly Street requesting an estimate of the cost of constructing same from Hillside Avenue to Oakland Avenue was considered by the Board, and whereas it is contrary to the policy of the Board to recommend for construction any street which does not connect with an accepted public way, it was voted not to recommend the construction of this portion of Waverly Street.

Will you kindly advise the other signers of the petition of the action of the Board.

Very truly yours,  
Joint Board of Selectmen and  
Board of Public Works

JAE:B

Clerk

Not recommended  
see record of Nov. 8, 1927

November 1<sup>st</sup> 1927

TOWN OF ARLINGTON

Application for Estimate of Cost of Constructing Street

To the Joint Board of Selectmen and Board of Public Works of the Town of Arlington:

We, the undersigned owners of property situated on the private way called.....Waverly St...... respectfully request that your Board have prepared an estimate of the cost of constructing said street from.....Hillside Avenue..... to.....Oakland Avenue..... in a manner that will meet with the approval of your Board and that can be recommended to the Town for acceptance.

<u>Name</u>	<u>Address</u>	<u>Lot No.</u>
George D. Purdy	15-9 Waverly St.	
Charles E. Davis	181 Waverly St.	
Carl D. Stenberg	167 Waverly St.	
Charles E. Lindstrom	172 Waverly St.	
John B. Silva	163 Waverly St.	
Ellen V. Moberg	153 Waverly St.	

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

Town Hall  
Arlington, Massachuse

The Board of Public Works of the Town of Arlington in said County of Middlesex acting herein under the authority given by chapter 242 of the Acts of 1873, chapter 3 of the Acts of 1904, chapters 92 and 79 of the General Laws, and all Acts in amendment thereof or addition thereto, and every other power and authority hereto enabling, having complied with all the preliminary requirements prescribed by law, and said Town having made an appropriation therefor, does hereby adopt the following order of taking:

ORDERED that there be and hereby is taken for and on behalf of said Town, and for the purpose of constructing, maintaining and operating water works, the interest hereinafter mentioned in a certain parcel of land known as Waverly Street, from Hillside Avenue, to Cedar Avenue, 40 feet in width, situated in said Arlington, bounded and described as follows:

Beginning at the point of intersection of the southeasterly side line of Hillside Avenue and the southwesterly side line of Waverly Street, thence continuing southeasterly along said southwesterly side line of Waverly Street, a distance of 747.42 feet, to the point of intersection of said southwesterly side line of Waverly Street and the northwesterly side line of Cedar Avenue, thence continuing northeasterly along said northwesterly side line of Cedar Avenue extended a distance of 46.94 feet, to the point of intersection of the said northwesterly side line of Cedar Avenue extended and the westerly side line of Park Avenue extended, thence continuing northerly along said westerly side line of Park Avenue extended, a distance of 56.07 feet to the point of intersection of said westerly side line of Park Avenue and the northeasterly side line of Waverly Street, thence continuing westerly on a curve to the right with a radius of 15 feet, along said northeasterly side line of Waverly Street, a distance of 40.87 feet to a point of tangency on said northeasterly side line of Waverly Street, thence continuing northwesterly along said northeasterly side line of Waverly Street, a distance of 680.86 feet, to the point of intersection of said northeasterly side line of Waverly Street and the southeasterly side line of Hillside Avenue, thence continuing southwesterly along said southeasterly side line of Hillside Avenue, a distance of 40 feet to the point of beginning.

Said land is shown upon a plan entitled "Plan of Land in Arlington, Mass., Taken For Water Purposes, Scale 1" = 40', May 11, 1931, James M. Keane, Town Engineer," on file in the office

<u>Proposed Owners.</u>	<u>Lot No.</u>	<u>Area</u>
Philip A. Hendrick & Fredrick Grossmith Trs.	95	1400 sq. ft.
Bridget F. Sheehan	94	1200 " "
Eileen V. Sheehan	93	1200 " "
Elizabeth A. Sheehan	92	1200 " "
Jos. G. White	91	1200 " "

We estimate and determine that no damages are sustained by any person by reason of this taking, and we award no damages.

IN WITNESS WHEREOF we, F. Leo Dalton, Walter F. Robinson, and Edward T. Ryan, being all of the members of said Board of Public Works, hereunto set our hands and common seal this twenty-fifth day of May, 1931.

F. Leo Dalton )  
Walter F. Robinson ) Board of  
Edward T. Ryan ) Public  
Works  
of  
Arlington

# Haverly Street from Hillside Avenue to Cedar Avenue

	Lot No.	Supposed Owner	Address	Front	Area	Estimates	
157	I-6M		Hyde Pk.				
91	108M	Jas. S. + Jennie E. Roberts	431 Huntington Ave	70.0	7800	474	88
	I-7D	Johd. S. + Mary D. Fawcett	192 Haverly				
93	L-D	Elbridge L. Johnson	1370 Mass Ave	47.5	4950	531	69
27	I-8D						
	M-D	Raymond E. MacFarlane	197 Haverly	47.5	4750	531	69
	I-9a						
21	N-D	Henry R. Ratt	201 Haverly	47.5	4750	531	69
	I-9b						
05	O-D	Joseph + Irene B. Dente	305 Haverly St	47.5	4750	531	69
	I-10D						
29	104D	Walter G. + Kath. M. Smith	209 Haverly St	60.0	6000	671	61
35	B-1D						
13	103D	Jas. E. + Mary S. Finn	213 Haverly St	60.0	6000	671	61
	B-2D						
17	102D	Fred. R. + Agnes J. Turnbull	217 Haverly St	60.0	6000	671	61
	B-3						
21	101D	Vannie E. Campbell	221 Haverly St	60.0	6000	671	61
	B-4D						
25	100D	Elbridge L. Johnson	225 Haverly St	60.0	6000	671	61
	B-5D						
29	99D	P. Thorndike + Louise C. Binns	229 Haverly St	60.0	6000	671	61
	B-6						
33	98D	Wm. C. Hooper	233 Haverly St	60.0	6000	671	61
	B-7D						
37	97D	John J. Bianchi	219 Cedar Ave	67.42	7744	485	49
345	39D	Mary E. Fawcett	345 Park Ave	171.25	6743	705	06
341	B-2D						
	40D	Arthur B. + Elephine M. Brooks	341 Park Ave	65.61	5686	675	05
	B-9D						
	96D	Fred. J. Green	174.87	8322	1335	66	
	B-8D						
303	95D	Arthur B. + Alberts. E. Brooks	202 Haverly St	70.0	6785	768	71
57	I-1A						
195	E-D	Clara E. Haverly	198 Haverly St	50.0	5000	557	69

ORDER OF NOTICE - OFFICER'S RETURN

Arlington, Mass., January 11, 1938

The Joint Board of Selectmen and Board of Public Works of the Town of Arlington, Massachusetts, hereby give notice of their intention to lay out a town way, under the provisions of law authorizing the assessment of betterments or otherwise, substantially in the location of the private way known as Waverly Street, from Hillside Avenue to Cedar Avenue, in said Town, as shown upon a plan marked "Plan & Profile showing proposed Lines & Grades for Waverley St. Arlington-Nov. 5, 1910-Horizontal Scale 40' = 1", Vertical Scale 6' = 1", Charles J. Elliot, Engineer & Surveyor, Sheet 3 (3 Sheets)" filed in the office of the Town Clerk of said Town, and that they will meet at the Hearing Room in the Town Hall in said Town on January 25, 1938, at 9:05 P.M. to hear all persons interested.

Harold H. Starnock  
Ernest W. Dan

Ralph J. Adams  
James P. Smith  
Loew H. Marsh

Joint Board of Selectmen and Board of Public Works

To the Constables of the Town of Arlington.

You are hereby required to serve the foregoing notice, seven days at least prior to January 25, 1938, upon the persons named in the attached list, by leaving a copy thereof by you attested, at their several usual places of abode or delivering such copy to each of them in person or to his tenant or authorized agent and by posting such copy in a public place in said Town.

(See attached list)

By order of the Joint Board of Selectmen and Board of Public Works of Arlington.

James J. Golden Jr. Secretary

OFFICER'S RETURN OF SERVICE

Arlington, Mass., January 18, 1938.

I hereby certify that I have served the within notice by mailing or leaving a copy thereof by me attested, at the last and usual place of abode of persons indicated in attached lists on the eighteenth day of January, 1938, by delivering or mailing such copy in person to persons indicated in attached lists on the eighteenth day of January, 1938, and by posting such copy in a public place in said Town, to wit, on the bulletin board of the Town Hall, on the eighteenth day of January, 1938.

James J. Golden Jr.  
Constable of the Town of Arlington

Rejected 11-27-50

Filed  
10/6/50

Ordered - not to  
be recommended  
for construction  
1/22/51

Oct. 4, 1950

TOWN OF ARLINGTON

Application for Estimate of Cost of Constructing Street

To the Joint Board of Selectmen and Board of Public Works of the  
Town of Arlington:

We, the undersigned owners of property situated on the private  
way called.....Waverly Street.....

respectfully request that your Board have prepared an estimate  
of the cost of constructing said street from.....Hillside Ave......  
to.....Cedar Ave.....<sup>and Parkway</sup>.....in a manner that will meet with  
the approval of your Board and that can be recommended to the  
town for acceptance.

Name

Address

Eufimia Storey	186 Waverly St.
Euphonia K. Storey	186 Waverly St.
Stuart J. Storey	190 Waverly St.
Bronis J. Krevis	190 Waverly St.
Annelle Krevis	191 Waverly St.
Roscoe L. Williamson	193 Waverly St.
John D. Hawler	194 Waverly St.
Helen Kasaburski	198 Waverly St.
Celia E. Heagle	206 Waverly St.
John R. Hendrick	206 Waverly St.
Dorothy M. Hendrick	

Note: The necessary appropriation of \$34,479.00 is included in the appropriation under Article 44.

There being no further business under Article 40, the Moderator declared it disposed of.

Article 41 taken up. (Laying Out of Eustis Street)

On motion duly made and seconded, it was unanimously

*Voted:* That the laying out of a town way from Eastern Avenue to Glenburn Road, substantially in the location of the private way known as Eustis Street, as more particularly described in Article 41 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

Note: The necessary appropriation of \$12,238.05 is included in the appropriation under Article 44.

There being no further business under Article 41, the Moderator declared it disposed of.

Article 42 taken up. (Laying Out of Waverly Street)

On motion duly made and seconded, it was unanimously

*Voted:* That the laying out of a town way from Florence Avenue to Hillside Avenue, substantially in the location of the private way known as Waverly Street, as more particularly described in Article 42 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

Note: The necessary appropriation of \$24,064.46 is included in the appropriation under Article 44.

There being no further business under Article 42, the Moderator declared it disposed of.

Article 43 taken up. (Laying Out of Rhinecliff Street)

On motion duly made and seconded, it was unanimously

*Voted:* That the laying out of a town way from Florence Avenue to the Concord Turnpike, substantially in the location of the private way known as Rhinecliff Street, as more particularly described in Article 43 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk, by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

Note: The necessary appropriation of \$55,668.74 is included in the appropriation under Article 44.

There being no further business under Article 43, the Moderator declared it disposed of.

The MODERATOR: If there is no further business under the Joint Board of Selectmen and Board of Public Works, Article 41, I declare Article 41 disposed of.

Is there any discussion?

ARTICLE 42. Laying Out of Waverly Street

The MODERATOR: Under Article 42, it has been moved and seconded:

Article 42, I declare Article 42 disposed of.

That the laying out of a town way from Florence Avenue to Hillside Avenue, substantially in the location of the private way known as Waverly Street, as more particularly described in Article 42 of the warrant, under the provisions of law authorizing the assessment of betterments, was made and filed in the office of the Town Clerk by the Joint Board of Selectmen and Board of Public Works, be accepted, said way established and said Joint Board authorized to take land for the purpose of said way.

Is there any discussion?

[Motion carried unanimously.]

The MODERATOR: If there is no further business under Article 42, I declare Article 42 disposed of.

ARTICLE 43. Laying Out of Rhinecliff Street

The MODERATOR: Under Article 43, it has been moved and seconded:

That the laying out of a town way from Florence Avenue to the Concord Turnpike, substantially in the location of the private way known as Rhinecliff Street, as more particularly described in Article 43 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and

Arlington, Middlesex County Nov. 3, 1952

The duly elected and qualified Joint Board of Selectmen and Board of Public Works of the Town of Arlington, Middlesex County, Massachusetts, having complied with all the preliminary requirements prescribed by law, and having determined and adjudged that common convenience and necessity required the laying out of a town way substantially on the line of the private way known as Waverly Street, and having complied with all the requirements of law relating to the actual construction of said town way; and having determined that in order to protect said town way certain sloping easements were necessary; and the said Town, at an adjourned Town Meeting duly called, warned and held, having made an appropriation therefor and having authorized this Board to take land therefor; and it being, in the judgment of this Board, necessary to acquire sloping easements for the purposes of protecting said way, does hereby adopt the following order of taking:-

ORDERED, that there be and hereby is taken on behalf of said Town for the purpose of protecting the public way, a sloping easement in the land situated in said Arlington, bounded and described as follows:- Parcel 1 -

Beginning at the point of intersection of the southwesterly side line of Waverly Street and the northwesterly side line of Oakland Avenue thence southwesterly on said northwesterly side line of Oakland Avenue a distance of 5 feet thence northwesterly through Lots 119, 120 and 121 on a line 5 feet southwesterly of and parallel to the southwesterly side line of Waverly Street a distance of 180 feet to a point on the division line between Lots 121 and 122 thence northeasterly on said division line a distance of 3.0 feet to a point thence northwesterly through Lot 122 distances of 40.05 feet and 20.1 feet to a point on the division line between Lots 122 and 123 thence northwesterly through Lots 123 and 124 on a line 5 feet southwesterly of and parallel to the southwesterly side line of Waverly Street a distance of 120 feet to the point on the division line between Lots 124 and 125 thence northeasterly on said division line a distance of 3.0 feet to a point thence northwesterly through Lots 125 and 126 a distance of 120.02<sup>3</sup> feet to a point on the northwesterly boundary line of Lot 126 thence

Waverly Street/3/11-3-52  
Slope Easements

Edmund L. Frost

Thomas R. Rawson

Walter T. Kenney

Joseph P. Greeley

Marcus L. Sorensen

Thomas J. O'Neill

Joint Board of Selectmen and Board of Public Works

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

November 3, 1952

Then personally appeared the above named Edmund L. Frost, Walter T. Kenney, Marcus L. Sorensen, Thomas R. Rawson, Joseph P. Greeley and Thomas J. O'Neill, and acknowledged the foregoing instrument to be the free act and deed of the Joint Board of Selectmen and Board of Public Works of the Town of Arlington, before me

James J. Garden  
Notary Public

My commission expires May 3, 1957

of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Board of Selectmen, be accepted, said way established and said Board authorized to take land for the purpose of said way.

There being no further business under Article 47, the Moderator declared it disposed of.

Article 48. (Laying Out of Waverley Street.)

VOTED: (Unanimously) That the laying out of a town way from Hillside Avenue to Cedar Avenue, substantially in the location of the private way known as Waverley Street, as more particularly described in Article 48 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Board of Selectmen, be accepted, said way established and said Board authorized to take land for the purpose of said way.

There being no further business under Article 48, the Moderator declared it disposed of.

Article 49. (Laying Out of Wright Street.)

VOTED: (Unanimously) That the laying out of a town way from Heard Road to the Winchester line, substantially in the location of the private way known as Wright Street, as more particularly described in Article 49 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Board of Selectmen, be accepted, said way established and said Board authorized to take land for the purpose of said way.

There being no further business under Article 49, the Moderator declared it disposed of.

Article 50. (Laying Out of Littlejohn Street.)

VOTED: (Unanimously) That the laying out of a town way from Mott Street to Dorothy Road, substantially in the location of the private way known as Littlejohn Street, as more particularly described in Article 50 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office of the Town Clerk by the Board of Selectmen, be accepted, said way established and said Board authorized to take land for the purpose of said way.

There being no further business under Article 50, the Moderator declared it disposed of.

Article 51. (Laying Out of Woodside Lane.)

VOTED: (Unanimously) That the laying out of a town way from Oak Hill Drive to No. 75, substantially in the location of the private way known as Woodside Lane, as more particularly described in Article 51 of the warrant, under the provisions of law authorizing the assessment of betterments, as made and filed in the office

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BETTERMENT ASSESSMENT

TOWN OF ARLINGTON, MASSACHUSETTS

Arlington, January 13, 1958

We, the Board of Selectmen of said Town of Arlington, having within two years duly laid out the public way known as Waverley Street, from Hillside Avenue to Cedar Avenue, in said Town, as shown upon plan entitled "Plan & Profile of Waverley Street, Arlington, Mass., Showing Area Expected To Receive Special Benefit or Advantage, Scales Hor. 1" = 40', Ver. 1" = 6', January, 1957, W. H. Roby, Town Engineer", on file in the office of the Town Clerk of said Town which said laying out was duly accepted by the said Town, having adopted an order of taking duly recorded with Middlesex So. Dist. Deeds, all under the provisions of law authorizing the assessment of betterments, and said public improvement having been completed within six months prior hereto, do now adjudge and determine the value of the benefit or advantage from such improvement, other than the general advantage to the community, to the land within the area receiving such benefit or advantage and described in said order, to be twenty-two thousand eight hundred seventy-nine (22,879) dollars and seventy-six (76) cents, and we do hereby assess upon each parcel thereof a proportionate share of the cost of such improvement amounting to eight thousand four hundred nineteen (8,419) dollars and twelve (12) cents, including all damages awarded therefor, no such assessment exceeding the amount of such adjudged benefit or advantage. The said parcels, the supposed owners thereof as of the first day of January next preceding the date hereof, the value of such benefit or advantage and the amounts of such assessments upon each such parcel are as set forth in the attached schedule, reference being hereby made to said plan and to a plan entitled "Plan Showing Betterment Assessments Waverley Street, Arlington, Mass., Scale 1" = 40', November, 1957, W. H. Roby, Town Engineer", on file in the office of the Town Clerk for a more particular description of said parcels.

Thomas R. Rawson

Francis J. Sawyer

Joseph P. Greeley

BOARD OF SELECTMEN, ARLINGTON

# APPENDIX B

## Proposed Bylaw Changes - Redlined

### Warrant Article 12

#### TITLE I, GENERAL GOVERNMENT

#### ARTICLE 6: CLASSIFICATION AND COMPENSATION PLANS and HUMAN RESOURCE BY-LAW

##### Section 1. The Classification Plan

The official classification plan shall consist of class titles appearing in Schedule A which is made a part hereof, together with class definitions which are on file with the Human Resource Director (for purposes of this article, "Director") of the Town.

##### Section 2. The Compensation Plan

The official compensation plan which appears in Schedule B shall consist of salary ranges which provide minimum and maximum rates together with intermediate step rates of single salary rates for each full-time position class in the Classification Plan. The Compensation Plan shall include compensation grades to which position classes are allocated in Schedule A.

##### Section 3. Amendment of the Plans

ART. 32 ATM 5/1/89, ART. 19 ATM 4/29/96

The classification and compensation plans have been established pursuant to the authority contained in Section 108C of Chapter 41 of the General Laws. Either plan may be amended in the manner provided in this statute and the by-laws of the Town. Rates appearing in the compensation plan may be established or changed by vote of the Town at a Town Meeting, or as provided by law, whichever is applicable. Requests to the Director of the Town for any amendment to this By-Law at any Annual Town Meeting shall be made in writing and shall be received by the Director on or before September 10th of the year preceding such Annual Town Meeting. The Director shall communicate his/her decision regarding the request to the party submitting the request no later than November 1st. An employee may appeal any reclassification determination of the Director to the Human Resource Board which shall review said request and either uphold or overrule the Director's determination after consultation with the Director. The Classification Plan shall be amended accordingly to reflect the determination of the Human Resource Board in the event it overrules the determination of the Director. In like manner, the initial determination of the Director, if favorable to the employee, shall cause an amendment to the Classification Plan to be made accordingly. Notwithstanding the foregoing, no amendment shall become effective until the Town Meeting appropriates funds to fund same. The Director shall submit an individual request within an article for an appropriation for each reclassification to the Town Meeting to fund each reclassification approved by him or her as well as those approved on appeal to the Human Resource Board.

Town Meeting may not act favorably on Articles submitted on behalf of employees aggrieved by the determination of the Human Resource Board. No employee may request reclassification of the same position in consecutive years.

##### Section 4. Human Resource Board

ART. 32 A.T.M. 5/1/89

There shall be a Human Resource Board consisting of three members who shall be appointed by the Town Manager. The initial appointments thereto shall be for a one, two and three year term respectively. Thereafter each term shall be for a period of three years. Members shall serve without compensation and shall serve until their successors are appointed.

### **Section 5. Class Definitions**

The Director shall prepare and may amend, from time to time, written definitions of the classes in the classification plan, each consisting of a statement describing the essential nature of the work characteristic of positions in the class that distinguish such positions from positions of other classes, with such examples as may be deemed appropriate.

### **Section 6. Interpretation of Class Definitions**

The definitions of the classes shall be interpreted as descriptive only and not restrictive. The definition for any class shall be construed solely as a means of identifying positions classified under the appropriate class, title, and not as prescribing what the duties or responsibilities of any position of the class shall be, or as modifying or in any way affecting the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of, any employee under the jurisdiction of such authority.

### **Section 7. Records and Requisitions**

The Director shall keep such records of all employees of the Town, including the name, age, date of employment, classification of position occupied, department in which employed, nature of duties and other information as he/she deems desirable.

All requisitions for persons to fill positions or perform duties classified under the Civil Service Law, all requests for transfers, increases in salary, changes in rating, or other requests made to the Director of Civil Service or the Department of Civil Service, shall be processed through the Director.

Similarly, all such personnel actions relating to positions which are not subject to Civil Service Law, but which are subject to the classification and compensation plans, shall be processed by the Director.

### **Section 8. Allocation of Positions to Classes**

The Director shall classify each position subject to the provisions of this by-law in accordance with the classification plan. Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position of a different classification is substituted for the old position, the Director shall, in the same manner, classify such new or changed position.

In the event the Director determines that a new or changed position requires the establishment of a position class not included in the classification plan, he/she may authorize temporarily the necessary new classification subject to ratification at the next succeeding Special or Annual Town Meeting.

The Director shall have the authority to reclassify a position if he/she finds that such action is warranted by reason of error in the classification then in effect.

The Director shall afford reasonable opportunity to be heard to any employee or appointing authority affected by any classification or reclassification, upon written request therefor.

### **Section 9. Allocation of Positions in Departments of Various Appointing Authorities**

#### **A. Power of Clerk and Treasurer/Collector**

ART. 28 STM 5/15/95

The Town Clerk and the Treasurer/Collector, as independent authorities, may reorganize, consolidate, or otherwise establish new positions in their respective departments without prior Town Meeting approval subject to available funds and the requirements of collective bargaining contracts and laws relating to same. Said authorities may appoint persons to fill such new positions so created on a temporary basis.

#### **B. Role of Director**

Before taking any of the aforementioned contemplated actions, the Clerk or the Treasurer/Collector as the case may be, shall notify in writing the Director specifying the reasons therefore which notice shall not be dated earlier than Dec. 1 of any calendar year.

The Director will consult with and assist the appointing authority in the contemplated action except when the Director disagrees with the contemplated action in which event the Director will so advise the appointing authority as to the reasons therefore not later than 21 days after receipt of the appointing authority's notice of contemplated action unless said date is mutually extended.

If the Director agrees with the contemplated action, then the Director will so advise the appointing authority in writing and the contemplated action shall become effective immediately.

If the Director disagrees with the contemplated action then the Director will so advise the appointing authority in writing of the reasons therefore. In such event the Director shall take immediate steps to convene a meeting of the Human Resource Board established under Section 4 of Title 1, Article 6 of the bylaws. Said Board shall consider presentations of the Director and the appointing authority and will make a

written recommendation regarding the contemplated action. The Human Resource Board shall convene not later than 14 days after disapproval by the Director of the contemplated action and render its advisory opinion within seven days of its consideration thereof. In any event the contemplated action may be implemented by the appointing authority at any time after the expiration of thirty days from the date of the Director's written disapproval of same notwithstanding any contrary recommendation of the Human Resource Board or its failure to timely meet to consider same.

#### **C. Approval by Town Meeting**

Any action on consolidation, reorganization, abolition of position, and the filling of positions associated therewith shall not become permanently effective until approved by the next occurring annual Town Meeting. Any new positions created shall not be placed into the Classification Plan unless so voted by the Town by amendment to the Classification Plan as established by Title I, Article 6 of the bylaws. Disapproval by the Town Meeting of the action of the appointing authority shall reestablish the status quo in said department prior to the action of the appointing authority having been taken.

#### **Section 10. Titles of Positions**

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of this by-law under any title other than that set forth in the classification plan for the position which he occupies. The title of each class shall be the official title of every position classified thereunder for all purposes having to do with the position as such, and shall be used to designate the position on all payrolls, budget estimates and official records and reports, and in every other connection involving personnel and fiscal processes, but any abbreviation or code symbol approved by the Director may be used in lieu of the title to designate the class of a position in any such connection.

#### **Section 11. Appropriation to Cover Changes in Pay Plan**

A Town Meeting vote which authorizes any change in rates from those which appear in either Schedule A or Schedule B under Sections 1 and 2 of this article (Title I, Article 6) shall include the appropriation of funds required to finance the change.

#### **Section 12. Vacation Leave**

##### **A. Leave with Pay**

Vacation leave with pay shall be granted to all regularly employed personnel, subject to the classification and compensation plans. These employees are provided opportunity to accrue vacation leave in order that (s)he may have periods of rest and relaxation from his/her job for health and well being, consistent with work load and staffing requirements of their department. Employees are encouraged to request vacation leave in blocks of time sufficient to ensure rest and relaxation. An employee shall be considered regularly employed and eligible for vacation if (s)he has worked six months for the Town in a position included in the Classification and Compensation Plan.

##### **B. Accrual Rates**

1. Vacation leave credits are not accumulated and cannot be used during the first six (6) months of employment.
2. All regularly employed personnel shall be credited with five (5) days of vacation leave upon completion of his/her first six (6) months of service as long as these employees do not receive more vacation leave in their first year of employment than granted in number three below.
3. All regularly employed personnel with more than six (6) months but fewer than five (5) years of service shall receive twelve (12) days of vacation leave.
4. All regularly employed personnel with five (5) years but fewer than ten (10) years of service shall receive eighteen (18) days of vacation leave.
5. All regularly employed personnel with ten (10) years but fewer than twenty-five (25) years of service shall receive twenty-four (24) days vacation leave.
6. All regularly employed personnel with twenty-five (25) years or more of service shall receive thirty (30) days of vacation leave.
7. Vacation accrual rates for employees covered by a collective bargaining agreement are governed by their applicable contract.

##### **C. Effective Date**

Vacation leave will be granted to all eligible employees, according to their accrual rates, on January 1 of each year.

#### D. Scheduling

The scheduling of vacation periods with pay shall be arranged and approved prior to use by the Department Head for such time or times as best serve the public interest and department efficiency. In case of conflict in scheduling vacation time, preference will be given based on seniority or other provisions established by the Department Head.

#### E. Limits on Accumulation (ART. 51, ATM – 05/05/10)

Vacation leave may not be accumulated from one vacation year to another, except when in the opinion of the appointing authority, it is impossible or impractical to use because of work schedules or other emergencies to do otherwise. Requests for such carryover must be submitted to the appropriate appointing authority before the end of the calendar year in which the vacation leave was granted, provided that all carryover vacation shall be used by the following April 30th. Notwithstanding the previous sentence, all employees who have been granted carry over vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount on December 31, 2010, and one third of that amount on December 31, 2011. All vacation days carried over under the previous sentence shall be utilized by December 31, 2012, and the previous allowance shall cease to have effect on that date.

#### F. Coordination with Absences

Absences on account of sickness in excess of those authorized or for personal reasons not provided for under leave regulations may, at the discretion of the Department Head, be charged to vacation leave.

#### G. No Loss of Benefits

Whenever employment is terminated by dismissal through no fault or delinquency of an employee's part, or by resignation, retirement or death, without his/her having been granted a vacation to which (s)he is entitled, (s)he, or in the case of his/her death, his/her estate shall be paid vacation pay at the regular rate of compensation at which it was earned payable to him/her at termination of employment.

#### H. Holidays

If a holiday falls within the vacation period, it shall not count as part of the vacation allowance.

#### I. Part-Time Employees

Regular part-time employees accrue and earn vacation leave on a pro-rated basis according to the differences between their regularly scheduled work week and the normal work week.

Vacation leave credits shall not be advanced for use prior to their being earned.

All of the above to be effective for non union and M Schedule employees and to become effective for all union employees upon ratification by the respective bargaining units.

### Section 13. Sick Leave

#### A. Qualification

Regularly employed personnel subject to the classification and pay plans must complete six months of service before qualifying for sick leave, at the end of which time seven and one-half days credit will be allowed.

#### B. Limitation

Earned sick leave with pay will be limited to one and one-quarter days per month, not to exceed fifteen days per year, and will be credited on the first day of each month. Sick leave credit will begin on the first day of the month following employment except as otherwise provided in Sub-section A. Employees having an aggregate of more than two days of authorized leave without pay in any calendar month shall not receive sick leave credit for that month.

#### C. Accumulation

(ART. 16, ATM – 04/24/06)

There shall be payment of accumulated sick leave upon the employee's death, retirement, or his leaving the employment of the Town. When a person leaves the employment of the Town, this employee, or in the case of death the employee's estate, shall be paid twenty-five percent (25%) of the employee's rate of pay for any and all unused and accumulated sick leave. Any employee hired after July 1, 1997, will have sick leave buy back limited to 150 days. No sick leave credit for prior employment will be allowed employees rehired or reinstated after a termination of service other than approved leave of absence.

**D. Definition of Incapacity**

Sick leave with pay shall be granted to employees only when they are incapacitated for the performance of their duties by sickness, injury or quarantine by health authorities.

**E. Commencement**

Sick leave will commence on the day notification of the illness is given by the employee, his family, or his physician. Such notification shall be given within one hour of the regular appointed starting time.

**F. Evidence of Incapacity**

For absence on account of sickness, the department head or the appointing authority may require evidence in the form of a physician's certificate for the necessity for absence, such certificate to give the nature of illness and the expected duration. If such certificate is not filed after request therefor, such absence may be applied, at the discretion of the department head, to vacation leave or leave without pay. The department head shall require such certificate at the end of two weeks of illness and subsequent certificates may be required at the discretion of the department head or the appointing authority.

**G. Attendance Record**

Every department of the Town shall keep a uniform attendance record on such form as approved and audited by the Comptroller for each employee showing sick leave both accrued and granted. The information on such record shall be transmitted by the head of the department to the Human Resource Board upon request.

**H. Part-Time Employees**

Part-time employees whose hours of work follow a regular schedule will be allowed such proportion of sick leave credit as their actual part-time service bears to full-time service.

**I. Coordination with Workers' Compensation**

Employees injured on the job and receiving Workmen's Compensation may, upon request, be granted such sick leave allowance payment as will when added to the amount of Workmen's Compensation, results in the payment to them of their full salary, provided they have such sick leave credit.

**J. Discretionary Extensions**

Discretionary sick leave not exceeding fifteen days may be granted by the appointing authority provided all accumulated sick leave and vacation leaves have been exhausted, and shall be charged against future sick leave credit, provided further that in connection with employees with at least twenty years of service with the Town and in the event of extenuating circumstances as determined by the appointing authority, additional sick leave not to exceed 150 days may be granted, which shall be similarly charged to future sick leave credit.

**Section 14. Other Absences**

ATM 6/19/2000

**A. Bereavement**

An absence with pay, to the extent necessary but not to exceed five days, shall be granted in case of death of immediate member of an employee's family. Immediate family means spouse, child, father, mother, sister, brother, or grandparents. An absence with pay of one day shall be granted in case of death of an employee's inlaws or grandparents of spouse.

**B. Military Service**

Any permanent employee of the Town called for an annual tour of duty with the armed forces shall be paid his usual salary for a period not exceeding two calendar weeks and shall be entitled to the same leaves of absence or vacation with pay given to other like employees.

**C. Jury Duty**

A regular employee called up for jury duty shall be paid an amount to bring his salary up to his usual rate of pay. Notice of service shall be filed with the department head upon the receipt of a summons.

**D. Veteran's Conventions**

Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates to state or national conventions of the following veterans' organizations: American Legion, AMVETS of World War II, Disabled American Veterans, Legion of Valor, Marine Corps League, Military Order of the Purple Heart and Veterans of Foreign Wars.

#### E. Union Conventions

Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates of recognized employee organizations for the purpose of attending annual state conventions of their parent AFL-CIO or independent organizations. However, if said employees' regular compensation is paid by the employee organization, then such leave of absence as may be granted by the appointing authority shall be without pay.

#### F. Maternity

Maternity leave of absence without pay shall be permitted in accordance with the provisions of Section 105D of Chapter 149 of the General Laws of the Commonwealth. A physician's certificate shall be submitted to the employee's department head before the employee returns to work following a maternity leave of absence.

#### G. Medical Examination

The appointing authority at any time may require a physical and/or a psychiatric examination of an employee to determine said employee's fitness for regular full time duty. Said examination to be performed by a physician or a psychiatrist selected by the appointing authority and at the expense of the Town.

### Section 15. Personal Leave

#### A. One Day per Year as of Right

A personal leave of absence of one day with pay shall be granted to all full-time employees of the Town on January 1 of each year, said personal leave to be in addition to any sick leave or vacation leave to which the employee is entitled and time of allowance of said leave to be at the discretion of the department head after receiving reasonable notice from the employee. Said personal day cannot be used during the first six (6) months of employment.

#### B. Personal days for Good Sick Leave Record

1. Employees who do not use sick leave shall be granted personal leave without loss of pay up to five (5) days per calendar year in accordance with the following:

ART. 86 ATM 6/16/97.

Employees who do not report out sick from January 1 to March 31, shall receive one (1) additional day.

Employees who do not report out sick from April 1 to June 30, shall

receive one (1) additional personal day. Employees who do not report out sick from July 1 to September 30, shall receive one (1) additional personal day. Employees who do not report out sick from October 1 to December 31, shall receive one (1) additional personal day.

In addition to the foregoing, those employees who do not report out sick more than four (4) days during the calendar year shall receive one (1) additional personal day.

2. Personal day earned for good sick leave record may not be accumulated beyond one year from the day of its being credited.

Employees while receiving workers' compensation shall not be eligible for personal days under this program.

### Section 16. Holidays

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day, Labor Day, Martin Luther King Day, Columbus Day,

Washington's Birthday, Veterans' Day, Patriots' Day, Thanksgiving Day,

Memorial Day, Christmas, Independence Day, Christmas Eve Day if same falls on a Monday through Friday. Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head.

Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head. ART. 44, ATM 6/17/97

### Section 17. Proposition 2½ Cutbacks

DELETED

#### **Section 18. Deferred Salary Increases**

ART. 44 ATM 6/20/84

Effective July 1, 1984, a deferred salary increase to any employee upon leaving the upon leaving the employment of the Town after July 1, 1984 (provided that the employee was employed by the Town on or before July 1, 1984); and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 5% salary and wage increase was granted on July 1, 1984.

ART. 67 ATM 6/21/93

This provision shall be implemented and funded notwithstanding any existing or future position classification and pay plan and Section 19 of Title I Article 6 of the Town bylaws. Any amount necessary to fund this provision shall be taken from existing or future budgets. Effective July 1, 1991 a deferred salary increase to any employee upon leaving the employment of the Town after July 1, 1993, (provided that the employee was employed by the Town on January 1, 1993) and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 2% salary and wage increase was granted on July 1, 1991, i.e. a six percent (6%) adjustment made to last paycheck if employee leaves after July 1, 1994.

#### **Section 19. Merit Compensation Plan**

Schedule M, Merit Compensation Plan (Special Town Meeting - 4/28/75).

#### **Section 20. Personnel Department**

Various personnel and personnel-related functions may be consolidated in the Personnel Department for the purposes of efficiency and cost-effectiveness. Nothing in the foregoing, however, shall be construed to derogate or diminish the statutory duties, powers and responsibilities of the Arlington Contributory Retirement Board as established by Chapter 32 of the General Laws.

#### **Section 21. Benefits for Town Treasurer/Collector and Town Clerk**

ART. 24 STM 11/17/93

Notwithstanding the fact that the elected positions of the Town Treasurer/ Collector and Town Clerk are not included in the Classification and Compensation Plans, those individuals who are elected to same shall be entitled to vacation leave and sick leave as provided in Title I, Article 6, Sections 12 and 13, respectively to the same extent as if said positions were so included.

It is the intention of the Town that any person having occupied the position of Town Clerk and Treasurer/Collector since the Annual Election in February of 1984 shall be entitled to the accumulation of sick leave as provided by Title I, Article 6, Section 13 retroactive to the date of their first having been elected to the position of Clerk and Treasurer/Collector respectively. All effected officials shall certify the number of days accrued to date to the Personnel Director and thereafter on a yearly basis.

Said elected officials shall likewise be entitled to all provisions of Section 14, 15, 16, 17, 18, 22A, and 22B, of this Article, as applicable, and the longevity benefit shall be the same as provided for positions in Schedule M of the Classification and Compensation Plan.

#### **Section 22. Other Regulations**

A. Lunch Period

The lunch period shall not exceed one hour.

B. Record of Payments

All payments made for any absence, regardless of nature, will be so noted on the payroll and employee's attendance record. The department head shall be responsible for the accuracy of such record.

C. No Conflict

Nothing in this By-Law shall be construed to conflict with the General Laws of the Commonwealth of Massachusetts.

### **Warrant Article 13**

TITLE I, GENERAL GOVERNMENT  
ARTICLE 11: PROGRAM BUDGET

DELETED

## **Warrant Article 14**

### **TITLE I, GENERAL GOVERNMENT**

#### **ARTICLE 21: MUNICIPAL CHARGES LIENS**

(ART. 26, ATM – 05/06/2009), (ART. 23, ATM – 05/27/11)

In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges:

- a) parking-violation charges
- b) motor-vehicle excise taxes
- c) rental charges for town or school property and facilities
- d) public-safety details
- e) license, permit, and inspection fees
- f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws
- g) school athletic fees
- h) kindergarten fees
- i) school bus fees
- j) school music fees
- k) preschool fees

upon non-payment of any such charge by its due date and upon request to the Town Treasurer by the municipal board or officer empowered to issue the license, permit, or certificate or to render the service or to perform the work for which the charge is assessed.

## **Warrant Article 16**

### **TITLE I, GENERAL GOVERNMENT**

#### **ARTICLE 1: TOWN MEETINGS**

##### **Section 1. Date of Annual Meeting and Adjournment**

ART. 93, ATM, 5/23/88; ART. 12, ATM, 5/9/94

The Annual Town Meeting for the purposes of conducting the regular Town Election of Town officers including Town meeting members, and for the submission of questions to the voters of the Town, if required to be submitted thereat, shall be held annually on the first Saturday of April unless the Selectmen vote not later than February 1 to establish another date in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. Said election shall be considered part of the Annual Town Meeting held in that year. All articles in the warrant for any regular Town meeting to be acted upon and determined otherwise than by ballot shall be considered at a Town meeting to be held annually on the fourth Monday in April, at seven o'clock in the evening.

## **Warrant Article 17**

### **TITLE III, PUBLIC AND PRIVATE WAYS**

#### **ARTICLE 1: PUBLIC WAYS**

##### **Section 31. Newspaper bins**

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C. Certificate of Compliance/Application Process

1. No person shall place or affix, erect, or maintain or continue to maintain newsracks in any Public Way of the Town without first obtaining a Certificate of Compliance from the Director.
2. The Director shall be the issuing authority and coordinator of the application process and administrator of this bylaw and the Director of his/her designee shall review and approve for compliance with Subsection C, entitled Certificate of Compliance and, Section D, entitled Standards.
3. Applicants must complete a written application on a form provided by the Director and returned to the Director's office.
4. The application must contain the name, address, and telephone number of the applicant in addition to the name, address, and phone number of a natural person whom the Director may notify concerning the applicant's newsracks. In addition, the application shall describe in sufficient detail the number, location, and type of newsracks for which the Certificate of Compliance is sought.
5. If such a Certificate is issued, the applicant shall file with the Town Counsel a Certificate of Insurance naming the Town as an additional insured party in an amount sufficient in the opinion of the Town Counsel to indemnify the Town from any and all property damage and personal injury including death to which the Town may be exposed by reason of placement of such newsracks.
6. The Director shall issue the Certificate upon his finding that the applicant is in compliance with the provisions of this bylaw. The Director shall issue a Certificate within ten (10) days of the Director's receipt of the completed application. The Director shall issue a partial Certificate of Compliance upon a finding that some of the newsrack locations are in compliance with the provisions of this bylaw. In the event a partial Certificate of Compliance is issued, the Director shall notify the applicant in writing of the locations not in compliance and the reason(s) for the noncompliance. The applicant shall have the right to move said newsracks or adjust them within ten (10) days from receipt of the notice to rectify the non-compliance. Upon correction of the noncomplying locations, the Director shall issue a Certificate of Compliance replacing the partial Certificate of Compliance. The issuance of a Certificate of Compliance or a Partial Certificate of Compliance shall designate the applicant as the Certificate Holder.
7. If an application for a Certificate of Compliance is denied or the Director issues a partial Certificate of Compliance, the Director shall notify the applicant within ten (10) days of the Director's receipt of the completed application. The Director shall state the specific reasons for the denial or the partial Certificate of Compliance. An applicant who has been denied a Certificate or granted a partial Certificate of Compliance may appeal within thirty (30) days of denial by requesting in writing to the Director an appearance before the Director to review said denial or partial Certificate of Compliance. The appeal shall be heard within 10 days of the receipt of the appeal. The decision of the appeal shall be sent to the applicant within five (5) days after the hearing.
8. Certificates of Compliance must be renewed annually in accordance with renewal procedures adopted by the Director.

## **Warrant Article 18**

### **TITLE VII, HISTORIC DISTRICTS**

#### **ARTICLE 4: AUTHORITY OF COMMISSIONS AND LIMITATIONS THEREON**

##### **Section 5. Remedies for Violations.**

A. Notice of Violation. If a Commissioner shall be informed or have reason to believe that any provision of this By-law or of Chapter 40C of the General Laws has been, is being, or may be violated, he or she shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If any such violation is found to exist, the Chairman of the Commissions, or the Vice-Chairman if the former is unavailable, may cause a written notice of the purported violation to be served upon that individual(s) who are violating the provisions of the By-law or Chapter 40C or any approvals or certificates issued under the provisions of this By-law. Such notice shall direct the suspension of any activity that creates the violation. The Commission shall convene at such time that it deems appropriate, to consider whether said suspension shall be made permanent and the appropriateness of other corrective orders. Failure to comply with an order of the Commission shall constitute a violation of the By-law and violators will be subject to a fine of \$50 per day; each and every day that a violation exists shall be considered a separate violation. Violators shall mean any individual who is performing the work that is the subject of the violation as well as the owner of the property at which the work is being performed. Any alleged violators shall be given

written notice by the Commission of the precise violation and an opportunity to be heard at the Commission hearing convened to consider the same.

Any violator who refuses to suspend work once having been ordered to do so shall be subject to a fine in the amount of \$50; each and every day that the failure to suspend continues shall be considered a separate offense. No person having been served with a notice to suspend shall leave any structure in such a condition so as to be a hazard to public safety.

B. Prosecution of Violation. In addition to non-criminal disposition pursuant to the provisions of Section 21D of Chapter 40 of the General Laws, the relevant Commission may institute the appropriate criminal action or a proceeding at law or in equity to prevent any unlawful action, use, or condition, and to restrain, correct, or abate such violation. Nothing hereinabove shall be construed to limit the authority of the Inspector of Buildings to prosecute violations of this By-law, or of said Chapter 40C, which are also violations of the State Building Code or the Zoning By-law of the Town.

## **Warrant Article 19**

### **TITLE I, GENERAL GOVERNMENT**

#### **ARTICLE 6: CLASSIFICATION AND COMPENSATION PLANS and PERSONNEL BY-LAW**

##### **Section 12. Vacation Leave**

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##### **C. Effective Date**

Vacation leave will be granted to all eligible Town employees, according to their accrual rates, on January 1 of each year. For School Department employees, vacation leave will be granted to eligible employees, according to their accrual rates, either on July 1 or September 1 of each year.

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##### **E. Limits on Accumulation (ART. 51, ATM – 05/05/10)**

Vacation leave may not be accumulated from one vacation year to another, except when in the opinion of the appointing authority, it is impossible or impractical to use because of work schedules or other emergencies to do otherwise.

(1) Requests for such carryover by Town employees must be submitted to the appropriate appointing authority before the end of the calendar year in which the vacation leave was granted, provided that all carryover vacation shall be used by the following April 30th. Notwithstanding the previous sentence, all Town employees who have been granted carryover vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount on December 31, 2010, and one third of that amount on December 31, 2011. All vacation days carried over under the previous sentence shall be utilized by December 31, 2012, and the previous allowance shall cease to have effect on that date.

(2) In the School Department, requests for carryover must be submitted to the Superintendent before the end of the employee's vacation year. All carryover vacation shall be used by the end of four months following the conclusion of the employee's work year. Notwithstanding the previous sentence, all School Department employees who have been granted vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount at the commencement of their work year in 2011 and one third of that amount at the commencement of their work year in 2012. All vacation days carried over under the previous sentence shall be utilized by the commencement of the 2013 work year.

## **Warrant Article 20**

### **TITLE I, GENERAL GOVERNMENT ARTICLE 1: TOWN MEETINGS**

#### **Section 7. Regulation of Speakers**

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##### **C. Time Limits**

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than seven minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than five minutes.

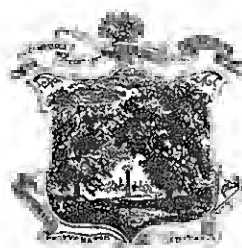
No person shall speak, or otherwise hold the floor, more than twice on any subject except to correct an error, without first obtaining permission of the meeting by obtaining a majority vote of the Town Meeting Members present and voting. After obtaining said permission, the person shall not speak, or otherwise hold the floor, for more than five minutes.

## **Special Town Meeting Warrant Article 10**

### **TITLE III, PUBLIC AND PRIVATE WAYS ARTICLE 1: PUBLIC WAYS**

#### **Section 22. Placing of Rubbish for Removal**

No person shall place on the Public Way or Private Way or any land abutting and within 15 feet of the Public Way or Private Way, or cause to be placed, any rubbish or other refuse intended to be removed by the Town before 6:00 P. M. on the date before the date appointed for pick-up of same if residential, or 6:00 A. M. of the date appointed for pick-up of same if commercial or industrial. Any uncollected rubbish or recyclable material must be removed by 9:00 P.M. of the date appointed for pick-up. Violations of same shall be punishable by a fine of \$20.00. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized.



**KEVIN F. GREELEY, CHAIR**  
**DANIEL J. DUNN, VICE CHAIR**  
**DIANE M. MAHON**  
**STEVEN M. BYRNE**  
**JOSEPH A. CURRO, JR.**